

Public Health (Ireland) Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

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- T. I. A. 17 & 18 Vict. c. 108. "The Towns Improvement (Ireland) Act, 1854."
- L. G. A. 34 & 35 Vict. c. 109. "The Local Government (Ireland) Act, 1871."
- L. G. B. 35 & 36 Vict. c. 69. "The Local Government Board (Ireland) Act, 1872."
- P. H. I. 37 & 38 Vict. c. 93. "The Public Health (Ireland) Act, 1874."
- P. H. E. 38 & 39 Vict. c. 55. "The Public Health Act, 1875."
- N.R. 1855 18 & 19 Vict. c. 121. Nuisances Removal, 1855.
- N.R. 1860 23 & 24 Vict. c. 77. " " 1860.
- N.R. 1863 26 & 27 Vict. c. 117. " " 1863.
- S. U. 1865 28 & 29 Vict. c. 75. Sewage Utilization, 1865.
- S. U. 1867 30 & 31 Vict. c. 118. " " 1867.
- S. A. 1866 29 & 30 Vict. c. 90. Sanitary Act, 1866.*
- S. A. 1868 31 & 32 Vict. c. 115. " " 1868.
- S. A. 1869 32 & 33 Vict. c. 100. Sanitary Loans Act, 1869.
- C.L. 1851 14 & 15 Vict. c. 26. Common Lodging } as amended
Houses, 1851, } by
C.L. 1853 16 & 17 Vict. c. 41. Common Lodging } 23 & 24 Vict.
Houses, 1853, } c. 26.
- D. P. 18 & 19 Vict. c. 116. Diseases Prevention, 1855, as
amended by 23 & 24 Vict. c. 77, and
extended to Ireland by 29 & 30 Vict. c. 90.
- B. G. 1856. 19 & 20 Vict. c. 96. The Burial Grounds (Ireland)
Act, 1856.
- B. G. 1860. 23 & 24 Vict. c. 76. The Burial Grounds (Ireland)
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* This Act amends in important particulars the Nuisances Removal Acts.

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B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Consolidate and amend the Acts relating to Public Health in Ireland.

A.D. 1877.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

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PRELIMINARY.

1. This Act may be cited for all purposes as "The Public Health (Ireland) Act, 1877." Short title.
 2. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; Interpretation of terms.
- 10 that is to say,
- "Borough" means any place for the time being subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, intituled "An Act for the regulation of municipal corporations in Ireland," and any Act amending the same:
 - "Local Government Board" means the Local Government Board for Ireland:
 - "Person" includes any body of persons, whether corporate or unincorporate:
 - 20 "Sanitary authority" means urban sanitary authority or rural sanitary authority, as by this Act defined, as the case may be:
 - "Lands" and "Premises" include messuages, buildings, lands, easements, and hereditaments of any tenure:
 - 25 "Owner" means the person for the time being receiving the rackrent of the lands or premises in connexion with which the word is used, whether on his own account or as agent or [Bill 275.]

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- trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent :
- “ Rackrent ” means rent which is not less than two thirds of the full net annual value of the property out of which the rent arises as ascertained under the Acts relating to the Valuation of Rateable Property in Ireland :
- “ Street ” includes any highway and any public bridge and any road, lane, footway, square, court, alley, or passage whether a thoroughfare or not :
- “ House ” includes schools, factories, and other buildings in which more than twenty persons are employed at one time :
- “ Drain ” means any drain of and used for the drainage of one building only or of premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed :
- “ Sewer ” includes sewers and drains of every description, except drains to which the word “ drain ” interpreted as aforesaid applies, and except drains vested in or under the control of any authority having the management of roads and not being a sanitary authority under this Act :
- “ Slaughter-house ” includes the buildings and places commonly called slaughter-houses and knackers yards, and any building or place used for slaughtering cattle, horses, or animals of any description for sale :
- “ Common lodging-house ” means a house in which or in any part of which persons are harboured or lodged for hire for a single night, or for less than a week at a time :
- “ Water company ” means any person or body of persons corporate or unincorporate supplying or who may hereafter supply water for his or their own profit :
- “ Waterworks ” includes streams, springs, wells, pumps, reservoirs, cisterns, tanks, aqueduct, cuts, sluices, mains, pipes, culverts, engines, and all machinery, lands, buildings, and things for supplying or used for supplying water, also the stock in trade of any water company :
- “ Labouring Classes Lodging Houses Acts ” means 29 & 30 Vict. c. 44 (Labouring Classes Lodging Houses and Dwellings Act (Ireland), 1866); 30 & 31 Vict. c. 28 (Labouring Classes Dwelling Houses Act, 1867) :
- “ Artizans and Labourers Dwellings Act ” means 31 & 32 Vict. c. 130 (Artizans and Labourers Dwellings Act, 1865) :

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- “Bakewell Regulation Act” means 26 & 27 Vict. c. 40 (Bakewell Regulation Act, 1863) :
- 5 “Diseases Prevention Act” means 18 & 19 Vict. c. 116 (Diseases Prevention Act, 1855) as amended by 23 & 24 Vict. c. 77 (An Act to amend the Acts for the removal of nuisances and the prevention of diseases), as the same are amended and extended to Ireland by the Sanitary Act, 1866 :
- 10 “Baths and Washhouses Acts” means 9 & 10 Vict. c. 87 (An Act for promoting the voluntary establishment in boroughs and certain towns in Ireland of public baths and washhouses) :
- 15 “Sanitary Acts” means all the above-mentioned Acts and the Acts mentioned in the Schedule A. to this Act annexed, except the Burial Grounds Acts as herein-after defined, and includes any amendments of such Acts, and with respect to any urban sanitary district, includes any Act, local Act, or provisional order relating to the same subject matters as the above-mentioned Acts in force within such district :
- 20 “Sanitary purposes” means any objects or purposes of the Sanitary Acts :
- 25 “Burial Grounds Acts” means the Burial Grounds (Ireland) Act, 1866, as the same is amended by the 23 & 24 Vict. c. 76 :
- “Lands Clauses Acts” means and includes the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Acts Amendment Act, 1860 ; the Railways Act (Ireland), 1851 ; the Railways Act (Ireland), 1860 ; the Railways Act (Ireland), 1864, and the Railway Traverse Act :
- 30 “Poor Law Acts” means 1 & 2 Vict. c. 56, and the Acts amending the same :
- 35 The expression “Summary Jurisdiction Acts” means, as regards the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same :
- “Chairman” includes recorder :
- 40 “Court of quarter sessions” means the court of general or quarter sessions of the peace having jurisdiction over the whole or any part of the district or place in which the matter requiring the cognizance of general or quarter sessions arises, and when

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used in reference to any suit or proceeding prosecuted or taken in any borough in which there shall be a recorder having jurisdiction to hear appeals from rates, or from any order, conviction, or judgment of any court of summary jurisdiction, includes the court of such recorder.

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PART I.

SANITARY AUTHORITIES.

3. For the purposes of this Act Ireland shall be divided into sanitary districts to be called respectively—

- (1.) Urban sanitary districts; and
 (2.) Rural sanitary districts;

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and every such urban and rural sanitary district shall respectively be subject to the jurisdiction of a sanitary authority, in this Act called an urban sanitary authority or urban authority and a rural sanitary authority or rural authority invested with the powers in this Act mentioned.

4. Urban sanitary districts (or urban districts) shall consist of the places in that behalf mentioned in the first column of the table in this section contained, and urban sanitary authorities (or urban authorities) shall be the several bodies of persons specified in the second column of the said table in relation to the said places respectively.

TABLE above referred to.

Urban Sanitary District.	Urban Sanitary Authority.
The City of Dublin	The Right Honourable the 25 Lord Mayor, Aldermen, and Burgesses acting by the Town Council.
Towns corporate (except Dublin)	The Mayor, Alderman, and Burgesses acting by the 30 Town Council.
Towns, the population of which according to the last Parliamentary census exceeds six thousand, having Commissioners appointed by virtue of an Act made in the ninth year of the reign of George the Fourth, intituled "An Act to make provision for the lighting, cleansing, and watching of cities and towns corporate and market towns in Ireland in certain cases."	The Commissioners. 35
Towns, the population of which according to the last Parliamentary census exceeds six thousand, having Municipal Commissioners under 3 & 4 Vict. c. 108.	The Municipal Commissioners. 40
Towns, the population of which according to the last Parliamentary census exceeds six thousand, having Town Commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 103).	The Town Commissioners. 45
Towns or townships having Commissioners under Local Acts.	The Town or Township Commissioners.

5. Every urban authority may from time to time appoint out of their own number so many persons as they may think fit for any purposes of this Act which, in the opinion of such authority, would be regulated and managed by means of a committee: Provided that 5 a committee so appointed shall in no case be authorised to borrow any money, to make any rate, or to enter into any contract, and shall be subject to any regulations and restrictions which may be imposed by the authority that formed it.

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Power of
urban au-
thority to
appoint com-
mittee.

6. The area of every poor law union, with the exception of those 10 portions (if any) of the area which are included in urban sanitary districts, shall form a rural sanitary district (or rural district), and the guardians of the union shall, as such, be the rural sanitary authority or rural authority of such district, subject to the following conditions; that is to say,

Description
of rural san-
itary districts
and rural
sanitary
authorities.
P. H. (L),
s. 4.

15 (1.) No elective guardian of any electoral division belonging to such union and forming or being wholly included within an urban sanitary district shall act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority:

20 (2.) Where part of an electoral division belonging to a union forms or is situated in an urban sanitary district, the Local Government Board may, by order, divide such electoral division into separate wards and determine the number of guardians to be elected by such wards respectively, in such manner as to provide for the due representation of the 25 part of the electoral division lying within the rural sanitary district; but until such order has been made the guardian or guardians of such electoral division may act and vote as members of the rural sanitary authority in the same manner as if no part of such electoral division formed part of or was situated in an urban sanitary district:

30 (3.) An ex-officio guardian resident in any electoral division, or part thereof, belonging to such union which forms or is situated in an urban sanitary district shall not act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority unless he is the owner or occupier of property situated 35 in the rural sanitary district of a value sufficient to qualify him as an elective guardian for the union.

Power to
alter san-
itary dis-
tricts.
P. H. (L),
s. 5.

40 7. The Local Government Board shall have power, by provisional order, to separate from a rural sanitary district any town or district wholly situate therein, the population of which, according to the

A.D. 1877. then last parliamentary census, exceeds six thousand, and in which there shall be town or township commissioners under any Act of Parliament, and to constitute it an urban sanitary district to be thereafter subject to all the provisions of this Act affecting urban sanitary districts, or to include any such town or district wholly situate in a rural sanitary district in any adjoining urban sanitary district, which when so included in such urban sanitary district, shall be subject to all the provisions of the Acts constituting the urban authority of such urban sanitary district, and to all the provisions of this Act affecting urban sanitary districts; and the said Board shall likewise have power, by provisional order, to add any town or township under this Act constituted an urban sanitary authority to the rural sanitary district in which it is situate, to be subject thereafter to all provisions of this Act affecting rural sanitary districts. No such provisional order shall be made except on petition from such town, township, or district.

Powers and
duties of
urban autho-
rities.

P. H. (E.),
s. 10.
P. H. (L.),
s. 7.

8. Every urban authority shall within their district (to the exclusion of any other authority) have, exercise, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations exercisable by or attaching to an urban authority under this Act, and in addition thereto shall within their district (to the exclusion of any other authority) have, exercise, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations within such district exercisable or attaching by and to the local authority under the Bakhouse Regulation Act and the Artizans and Labourers Dwellings Act, or any Acts amending the same.

Where the Baths and Wash-houses Acts and the Labouring Classes Lodging Houses Acts, or any of them, are in force within the district of any urban authority, such authority shall have all powers, rights, duties, capacities, liabilities, and obligations in relation to such Acts exercisable by or attaching to commissioners or persons acting in the execution of the said Acts, or any of them.

Where the Baths and Wash-houses Acts are not in force within the district of any urban authority, such authority may adopt such Acts; and where the Labouring Classes Lodging Houses Acts are not in force within the district of any urban authority, such authority may adopt such Acts.

Where any local Act other than an Act for the conservancy of any river is in force within the district of an urban authority, conferring on any commissioners, trustees, or other persons powers for purposes the same as or similar to those of this Act (but not for their own pecuniary benefit), all the powers, rights, duties, capa-

A.D. 1877.

cities, liabilities, and obligations of such commissioners, trustees, or other persons, in relation to such purposes, shall be transferred and attach to the said urban authority.

9. Every rural authority shall within their district (to the exclusion of any other authority) have, exercise, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations exercisable by or attaching to a rural authority under this Act, and in addition thereto shall within their district (to the exclusion of any other authority) have, exercise, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations within such district exercisable by or attached to the local authority under the Bakewell Regulation Act, or any Acts amending the same.

10. From and after the passing of this Act all such property, real and personal, including all interests, rights, and easements in, to, and out of property, real and personal (including things in action), as belongs to or is vested in any sanitary authority as the sanitary authority of any district under the Sanitary Acts, shall continue vested in such authority, subject to all debts, liabilities, and obligations affecting the same property.

20. All such property of a sanitary authority shall be held by such authority upon trust for the district or several places respectively within its jurisdiction for the purposes of this Act.

11. Every medical officer of a dispensary district shall be a sanitary officer for such district, or for such part thereof as he shall personally be in charge of, under the title of medical officer of health, with such additional salary as the sanitary authority thereof may determine, with the approval of the Local Government Board; and every sanitary authority, whether urban or rural, shall appoint such other sanitary officers, including a medical superintendent officer of health when deemed necessary, as the Local Government Board shall in each case direct, with such salaries or additional salaries as the said sanitary authority shall determine, with the approval of the Local Government Board; and the said Board shall assign to the dispensary medical officers, and to the other sanitary officers, if any, and to the medical superintendent officer of health, if such an officer be appointed for the sanitary district, their respective duties and functions in the discovery or inspection or removal of nuisances, in the supply of pure water, in the making or repairing of sewers and drains, or in generally superintending the execution of the sanitary laws within the district.

Provided that with regard to salaries or additional salaries whereof any portion is to be recouped to any local fund from moneys voted

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Powers and
duties of
rural autho-
rities.
P. H. (E.),
s. 11.
P. H. (I.),
s. 7.

Vesting of
property in
sanitary
authorities.
P. H. (E.),
s. 12.
P. H. (I.),
s. 9.

Sanitary
officers and
superintend-
ent officers
of health.
P. H. (I.),
s. 10.

A.D. 1877. by Parliament, the amount of any new salary and the proportion between any existing salary, and the addition thereto, shall be regulated according to a scale to be approved by the Commissioners of Her Majesty's Treasury.

Every such salary or additional salary so determined or approved shall be payable from such local fund as the Local Government Board shall indicate as properly chargeable therewith, and such part thereof as Parliament shall from time to time determine shall be recouped to such local fund out of moneys to be voted by Parliament; and the Local Government Board shall have the same powers with regard to the qualification, appointment, duties, regulation of salary, and tenure of office of every sanitary officer as they have in the case of the medical officer of a dispensary district.

Union of Districts.

Formation
of united
district.
P. H. (L),
s. 19, 20.
P. H. (E.),
s. 279.

12. Where it appears to the Local Government Board, on the application of the sanitary authorities of any sanitary districts, or of any of such authorities, and after due inquiry, that it would be for the advantage of such sanitary districts, or of any of them, or of any parts thereof, or of any contributory places in any rural sanitary district or districts, that they should be formed into a united district for all or any of the purposes following; that is to say,

- (1.) The procuring a common supply of water; or
- (2.) The making a main sewer or carrying into effect a system of sewerage for the use of all such districts or contributory places; or
- (3.) For any other purpose of this Act,

the Local Government Board may, by provisional order, form such districts or contributory places into a united district.

All costs, charges, and expenses of and incidental to the formation of a united district shall, in the event of the united district being formed, be a first charge on the rates leviable in the united district in pursuance of this Act.

13. The governing body of a united district shall be a joint board consisting of such ex-officio members and of such number of elective members as the Local Government Board may, by the provisional order forming the district, determine.

A joint board shall be a body corporate by such name as may be determined by the provisional order, having a perpetual succession and a common seal, with power to acquire and hold lands for the purposes of its constitution without any license in mortmain.

No act or proceeding of a joint board shall be questioned on account of any vacancies therein.

Governing
body of
united
district.
P. H. (L),
s. 21.
P. H. (E.),
s. 280.

No defect in the qualification or election of any person or persons acting as a member or members of a joint board shall be deemed to vitiate any proceedings of such board in which he or they has or have taken part.

5 Any minute made of proceedings at a meeting of a joint board, if signed either at the meeting at which such proceedings took place or at the next ensuing meeting by any person purporting for the time being to be the chairman of the board, shall be receivable in evidence of such proceedings in all legal proceedings without further proof, and until the contrary is proved every meeting of a joint board where minutes have been so made of the proceedings shall be deemed to have been duly convened and held and all the members thereof to have been duly qualified.

14. The provisional order forming a united district under this Regulation
 15 Act shall define the purposes for which such united district is formed, and the powers, rights, duties, capacities, liabilities, and obligations under this Act which the joint board is authorised to exercise or perform or is made subject to, and shall contain regulations as to the qualification and mode of election of elective members of the joint board, as to their continuance in office, as to casual vacancies in the joint board, as to its meetings and officers, and any other matter or thing, including the adjustment of present and future liabilities and property, with respect to which the Local Government Board may think fit to make any regulations for the better carrying into effect the provisions of this Act with respect to united districts.

Upon the constitution of a joint board the sanitary authorities having jurisdiction in the component districts or contributory places shall cease to exercise therein any powers, or to perform any duties, or to be subject to any liabilities or obligations which the joint board is authorised to exercise or perform or is made subject to; nevertheless the said joint board may delegate to the sanitary authority of any component district the exercise of any of its powers for the performance of any of its duties, with the approval of the Local Government Board.

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PART II.

SANITARY PROVISIONS.

SEWAGE AND DRAINAGE.

Regulations as to Sewers and Drains.

Sewers
vested in
sanitary
authority.
P. H. (E.),
s. 13.

15. All existing and future sewers within the district of a sanitary authority, together with all buildings, works, materials, and things belonging thereto,

Except

- (1.) Sewers made by any person for his own profit, or by any company for the profit of the shareholders; and 10
- (2.) Sewers made and used for the purpose of draining, preserving, or improving land under any local or private Act of Parliament, or for the purpose of irrigating land; and
- (3.) Sewers under the authority of any commissioners of sewers appointed by the Crown, 15

shall vest in and be under the control of such sanitary authority.

Provided that sewers within the district of a sanitary authority which have been or which may hereafter be constructed by or transferred to some other sanitary authority or by or to a sewage board or other authority empowered under any Act of Parliament 20 to construct sewers, shall (subject to any agreement to the contrary) vest in and be under the control of the authority who constructed the same or to whom the same have been transferred.

Power to
purchase
sewers.
P. H. (E.),
s. 14.
T. L. A.,
m. 53, 54.

16. Any sanitary authority may purchase or otherwise acquire from any person any sewer, or any right of making or of user or 25 other right in or respecting a sewer (with or without any buildings, works, materials, or things belonging thereto), within their district, and any person may sell or grant to such authority any such sewer, right, or property belonging to him; and any purchase money paid by such authority in pursuance of this section shall be subject to 30 the same trusts (if any) as the sewer, right, or property sold was subject to.

But any person who, previously to the purchase of a sewer by such authority, has acquired a right to use such sewer shall be entitled to use the same, or any sewer substituted in lieu thereof, 35 to the same extent as he would or might have done if the purchase had not been made.

Maintenance
and making
of sewers.
P. H. (E.),
s. 15.
S. U., 1884.
s. 4.

17. Every sanitary authority shall keep in repair all sewers belonging to them, and shall cause to be made such sewers as may be necessary for effectually draining their district for the purposes 40 of this Act.

18. Any sanitary authority may carry any sewer through, across, or under any road, or any street or place laid out as or intended for a street, or under any cellar or vault which may be under the pavement or carriageway of any street, and, after giving reasonable notice in writing to the owner or occupier into, through, or under any lands whatsoever within their district.

They may also (subject to the provisions of this Act relating to sewage works without the district of the sanitary authority) exercise all or any of the powers given by this section without their district for the purpose of outfall or distribution of sewage.

19. Nothing in this Act shall authorise any sanitary authority to make or use any sewer, drain, or outfall for the purpose of conveying sewage or filthy water into any natural stream or watercourse, or into any canal, pond, or lake until such sewage or filthy water is freed from all excrementitious or other foul or noxious matter such as would affect or deteriorate the purity and quality of the water in such stream or watercourse, or in such canal, pond, or lake.

20. Any sanitary authority may from time to time enlarge, lessen, alter the course of, cover in, or otherwise improve any sewer belonging to them, and may discontinue, close up, or destroy any such sewer that has in their opinion become unnecessary, on condition of providing a sewer as effectual for the use of any person who may be deprived in pursuance of this section of the lawful use of any sewer: Provided that the discontinuance, closing up, or destruction of any sewer shall be so done as not to create a nuisance.

21. Every sanitary authority shall cause the sewers belonging to them to be constructed, covered, ventilated, and kept so as not to be a nuisance or injurious to health, and to be properly cleansed and emptied.

22. Every urban sanitary authority shall, and any rural sanitary authority may, if they think fit, provide a map exhibiting the system of sewerage, if any, in their district, and such map shall be kept at their office, and shall be revised from time to time, and shall at all reasonable times be open to the inspection of the rate-payers of their district.

23. The owner or occupier of any premises within the district of a sanitary authority shall be entitled to cause his drains to empty into the sewers of that authority on condition of his giving such notice as may be required by that authority of his intention so to do, and of complying with the regulations of that authority in respect of the mode in which the communications between such drains and sewers are to be made, and subject to the control of any

A.D. 1877. person who may be appointed by that authority to superintend the
S. A., 1866, making of such communications.

s. 8. Any person causing a drain to empty into a sewer of a sanitary authority without complying with the provisions of this section shall be liable to a penalty not exceeding *twenty pounds*, and the sanitary authority may close any communication between a drain and sewer made in contravention of this section, and may recover in a summary manner from the person so offending any expenses incurred by them under this section.

Use of
sewers by
owners and
occupiers
without
district.

P. H. (E.),
s. 22.
S. A., 1866,
s. 9.

24. The owner or occupier of any premises without the district of a sanitary authority may cause any sewer or drain from such premises to communicate with any sewer of the sanitary authority on such terms and conditions as may be agreed on between such owner or occupier and such sanitary authority, or as in case of dispute may be settled, at the option of the owner or occupier, by a court of summary jurisdiction or by arbitration in manner provided by this Act.

Power of
sanitary
authority
to enforce
drainage of
undrained
houses.

P. H. (E.),
s. 23.
S. A., 1866,
s. 10.

25. Where any house within the district of a sanitary authority is without a drain sufficient for effectual drainage, the sanitary authority may by written notice require the owner or occupier of such house, within a reasonable time therein specified, to make a covered drain or drains emptying into any sewer which the sanitary authority are entitled to use, and which is not more than one hundred feet from the site of such house; but if no such means of drainage are within that distance, then emptying into such covered cesspool or other place not being under any house as the sanitary authority direct; and the sanitary authority may require any such drain or drains to be of such materials and size, and to be laid at such level, and with such fall as may appear to them to be necessary.

If such notice is not complied with, the sanitary authority may, after the expiration of the time specified in the notice, do the work required, and may recover in a summary manner the expenses incurred by them in so doing from the owner, or may by order declare the same to be private improvement expenses.

Provided that where, in the opinion of the sanitary authority, greater expense would be incurred in causing the drains of two or more houses to empty into an existing sewer pursuant to this section, than in constructing a new sewer and causing such drains to empty therein, the sanitary authority may construct such new sewer, and require the owners or occupiers of such houses to cause their drains to empty therein, and may apportion as they deem just the expenses of the construction of such sewer among the owners of the several houses, and recover in a summary manner the sums apportioned

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from such owners, or may by order declare the same to be private improvement expenses. A.D. 1877.

26. Where any house within the district of a sanitary authority has a drain communicating with any sewer, which drain though sufficient for the effectual drainage of the house is not adapted to the general sewerage system of the district, or is in the opinion of the sanitary authority otherwise objectionable, the sanitary authority may, on condition of providing a drain or drains as effectual for the drainage of the house, and communicating with such other sewer as they think fit, close such first-mentioned drain, and may do any works necessary for that purpose, and the expenses of those works, and of the construction of any drain or drains provided by them, under this section, shall be deemed to be expenses properly incurred by them in the execution of this Act.

15 27. It shall not be lawful in any urban district newly to erect any house or to rebuild any house which has been pulled down to or below the first floor, or to occupy any house so newly erected or rebuilt, unless and until a covered drain or drains be constructed, of such size and materials, in such manner, and at such level, and with such fall as may appear to the urban authority to be necessary for the effectual drainage of such house; and the drain or drains so to be constructed shall empty into some sewer which the urban authority are entitled to use, and which is within one hundred feet of some part of the site of the house to be built or rebuilt; but if no such means of drainage are within that distance, then shall empty into such covered cesspool or other place, not being under any house, as the urban authority direct.

Any person who causes any house to be erected or rebuilt or any drain to be constructed in contravention of this section shall be liable to a penalty not exceeding fifty pounds.

28. Any person who in any urban district, without the written consent of the urban authority,—

(1) Causes any building to be newly erected over any sewer of the urban authority; or,
35 28. (2.) Causes any vault, arch, or cellar to be newly built or constructed under the carriageway of any street, shall forfeit to the urban authority the sum of five pounds and a further sum of forty shillings for every day during which the offence is continued after a written notice in this behalf from the urban authority; and the urban authority may cause any building, vault, arch, or cellar erected or constructed in contravention of this section to be altered, pulled down, or otherwise dealt with as they may think fit, and may recover in a summary manner any expenses incurred by them in so doing from the offender.

Power of
sanitary
authority to
require
houses to
be drained
into new
sewers.
P. H. (E.),
s. 24.

Penalty on
building
house with-
out drains
in urban
district.
P. H. (E.),
s. 25.

T. I. A.,
s. 35.

Penalty on
unauthorised
building
over sewers
and under
streets in
urban dis-
trict.
P. H. (E.),
s. 26.

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Disposal of Sewage.

Powers for
disposing of
sewage.
P. H. (E.),
s. 27.

S. U., 1865,
s. 14.
S. U., 1867,
ss. 3 and 4.

- 29.** For the purpose of receiving, storing, disinfecting, distributing, or otherwise disposing of sewage, any sanitary authority may—
- (1.) Construct any works within their district, or (subject to the provisions of this Act as to sewage works without the district of the sanitary authority) without their district; and
 - (2.) Contract for the use of, purchase, or take on lease any land, buildings, engines, materials, or apparatus, either within 10 or without their district; and
 - (3.) Contract to supply for any period not exceeding twenty-five years any person with sewage, and as to the execution and costs of works either within or without their district for the purposes of such supply : 15

Provided that no nuisance be created in the exercise of any of the powers given by this section.

Power to
agree for
communic-
ation of
sewers with
sewers of
adjoining
district.
P. H. (E.),
s. 28.
P. H. (L),
s. 26.

- 30.** The sanitary authority of any district may, by agreement with the sanitary authority of any adjoining district, and with the sanction of the Local Government Board, cause their sewers to communicate with the sewers of such last-mentioned authority, in such manner and on such terms and subject to such conditions as may be agreed on between the sanitary authorities, or, in case of dispute, may be settled by the Local Government Board : Provided that so far as practicable storm waters shall be prevented from flowing from the sewers of the first-mentioned authority into the sewers of the last-mentioned authority, and that the sewage of other districts or places shall not be permitted by the first-mentioned authority to pass into their sewers so as to be discharged into the sewers of the last-mentioned authority without the consent of such last-mentioned authority. 30

Power to
deal with
land appre-
priated to
sewage pur-
poses.
P. H. (E.),
s. 29.
S. U., 1867,
s. 5.

- 31.** Any sanitary authority may deal with any lands held by them for the purpose of receiving, storing, disinfecting, or distributing sewage in such manner as they deem most profitable, either by lessing the same for a period not exceeding twenty-one years for agricultural purposes, or by contracting with some person to take the whole or a part of the produce of such land, or by farming such land and disposing of the produce thereof; subject to this restriction, that in dealing with land for any of the above purposes, provision shall be made for effectually disposing of all the sewage brought to such land without creating a nuisance. 40

32. Where any sanitary authority agree with any person as to the supply of sewage and as to works to be made for the purpose of such supply, they may contribute to the expense of carrying into execution by such person all or any of the purposes of such agreement, and may become shareholders in any company with which any agreement in relation to the matters aforesaid has been or may hereafter be entered into by such sanitary authority, or to or in which the benefits and obligations of such agreement may have been or may be transferred or vested.

10 33. The making of works of distribution and service for the supply of sewage to lands for agricultural purposes shall be deemed an "improvement of land" authorised by "The Improvement of Land Act, 1864," and the provisions of that Act shall apply accordingly.

15 *As to Sewage Works without District.*

34. A sanitary authority shall, three months at least before commencing the construction or extension of any sewer or other work for sewage purposes without their district, give notice of the intended work by advertisement in one or more of the local newspapers circulating within the district where the work is to be made.

Such notice shall describe the nature of the intended work, and shall state the intended termini thereof, and the names of the townlands, and the roads and streets, and other lands (if any) through, across, under, or on which the work is to be made, and shall name a place where a plan of the intended work is open for inspection at all reasonable hours; and a copy of such notice shall be served on the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, and on the sanitary authority having jurisdiction over the same, and on the secretary of the grand jury sanitary authority or other person having the care of such roads or streets.

35. If any such owner, lessee, or occupier, or any such sanitary authority, secretary to the grand jury, or other person as aforesaid, or any other owner, lessee, or occupier who would be affected by the intended work, objects to such work, and serves notice in writing of such objection on the sanitary authority at any time within the said three months the intended work shall not be commenced without the sanction of the Local Government Board after such inquiry as herein-after mentioned, unless such objection is withdrawn.

40 36. The Local Government Board may, on application of the sanitary authority, appoint an inspector to make inquiry on the

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A.D. 1877.
Contribution
to works
under agree-
ment for
supply or
distribution
of sewage.
P. H. (E.),
s. 30.
S. U., 1867,
s. 15.

Application
of
27 & 28 Vict.
c. 114, to
works for
supply of
sewage.
P. H. (E.),
s. 31.
S. U., 1865,
s. 15.

Notice to be
given before
commencing
sewage
works with-
out district.
P. H. (E.),
s. 32.

In case of
objection,
work not to be
com-
menced with-
out sanction
of Local
Government
Board.
P. H. (E.),
s. 33.
S. U., 1867,
s. 3.
Inspector
to hold
inquiry and

A.D. 1877.
 report to
 Local
 Government
 Board.
 P. H. (E.),
 s. 34.
 S. U., 1867,
 s. 2.

spot into the propriety of the intended work and into the objections thereto, and to report to the Local Government Board on the matters with respect to which such inquiry was directed, and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing, with such modifications 5 (if any) as they may deem necessary, the intended work.

Regulation of Buildings.

Power to
 purchase
 premises for
 improvement
 of streets.
 P. H. (E.),
 s. 154.
 T. L. A., s. 37.
 Power to
 regulate
 line of
 buildings.
 P. H. (E.),
 s. 155.
 T. L. A.,
 s. 38.

37. Any urban authority may purchase any premises for the purpose of widening, opening, enlarging, or otherwise improving any street, or (with the sanction of the Local Government Board) 10 for the purpose of making any new street.

38. When any house or building situated in any street in an urban district, or the front thereof, has been taken down, in order to be rebuilt or altered, the urban authority may prescribe the line in which any house or building, or the front thereof, to be 15 built or rebuilt in the same situation shall be erected, and such house or building, or the front thereof, shall be erected in accordance therewith.

The urban authority shall pay or tender compensation to the owner or other person immediately interested in such house or building 20 for any loss or damage he may sustain in consequence of his house or building being set back or forward, the amount of such compensation, in case of dispute, to be settled by arbitration in manner provided by this Act.

Buildings
 not to be
 brought
 forward.
 P. H. (E.),
 s. 156.

39. It shall not be lawful in any urban district, without the 25 written consent of the urban authority, to bring forward any house or building forming part of any street, or any part thereof, beyond the front wall of the house or building on either side thereof, nor to build any addition thereto beyond the front of the house or building on either side of the same. 30

Any person offending against this enactment shall be liable to a penalty not exceeding *forty shillings* for every day during which the offence is continued after written notice in this behalf from the urban authority.

Power
 to make
 byelaws
 respecting
 new build-
 ings, &c.
 P. H. (E.),
 s. 157.

40. Every sanitary authority may make byelaws with respect to 35 the following matters; (that is to say.)

- (1.) With respect to the level, width, and construction of new streets, and the provisions for the sewerage thereof:
- (2.) With respect to the structure of walls, foundations, roofs, and chimneys of new buildings for securing stability 40 and the prevention of fires, and for purposes of health :

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- (3.) With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings:

- 5 (4.) With respect to the drainage of buildings, to waterclosets, earthclosets, privies, ashpits, and cesspools in connexion with buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation:

And they may further provide for the observance of such byelaws by enacting therein such provisions as they think necessary as to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or to construct buildings, as to inspection by the sanitary authority, and as to the power of such authority (subject to the provision of this Act) to remove, alter, or pull down any work begun or done in contravention of such byelaws: Provided that no byelaw made under this section shall affect any building erected before the passing of this Act.

41. Where a notice, plan, or description of any work is required by any byelaw made by a sanitary authority to be laid before that authority, the sanitary authority shall, within one month after the same has been delivered or sent to their clerk, signify in writing their approval or disapproval of the intended work to the person proposing to execute the same; and if the work is commenced after such notice of disapproval, or before the expiration 25 of such month without such approval, and is in any respect not in conformity with any byelaw of the sanitary authority, the sanitary authority may cause so much of the work as has been executed to be pulled down or removed.

As to commencement of works and removal of works made contrary to byelaws.
P. H. (E.), s. 158.

Where a sanitary authority incur expenses in or about the removal of any work executed contrary to any byelaw, such authority may recover in a summary manner the amount of such expenses either from the person executing the works removed or from the person causing the works to be executed, at their discretion.

35. Where a sanitary authority may under this section pull down or remove any work begun or executed in contravention of any byelaw, or where the beginning or the execution of the work is an offence in respect whereof the offender is liable in respect of any byelaw to a penalty, the existence of the work during its continuance 40 in such a form and state as to be in contravention of the byelaw shall be deemed to be a continuing offence, but a penalty shall not be incurred in respect thereof after the expiration of one year from the day when the offence was committed or the byelaw was broken.

A.D. 1877.

What to
be deemed
a new
building.
P. H. (E.),
s. 159.

42. For the purposes of this Act the re-erecting of any building pulled down to or below the ground floor, or of any frame building of which only the framework is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into 5 more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building.

PRIVIES, WATERCLOSETS, &c.

Penalty on
building
houses with-
out privy
accommo-
dation.

P. H. (E.),

s. 23.

L. G. A.,

s. 23.

S. A., 1868,

s. 4.

Power of
sanitary
authority
to enforce
provision of
privy accom-
modation for
houses.

P. H. (E.),

s. 26.

L. G. A.,

s. 23.

S. A., 1868,

s. 4.

43. It shall not be lawful newly to erect any house, or to rebuild 10 any house pulled down to or below the ground floor, without sufficient watercloset, earthcloset, or privy accommodation, and an ashpit furnished with proper doors and coverings.

Any person who causes any house to be erected or rebuilt in contravention of this enactment shall be liable to a penalty not 15 exceeding twenty pounds.

44. If a house within the district of a sanitary authority appears to such authority by the report of their sanitary officer to be without sufficient watercloset, earthcloset, or privy accommodation, and an ashpit furnished with proper doors and coverings, 20 the sanitary authority shall, by written notice, require the owner or occupier of the house, within a reasonable time therein specified, to provide sufficient watercloset, earthcloset, or privy accommodation, and an ashpit furnished as aforesaid, or either of them, as the case may require. 25

If such notice is not complied with, the sanitary authority may, at the expiration of the time specified in the notice, do the work thereby required to be done, and may recover in a summary manner from the owner the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses: 30 Provided that where a watercloset, earthcloset, or privy has been and is used in common by the inmates of two or more houses, or if in the opinion of the sanitary authority a watercloset, earthcloset, or privy may be so used, they need not require the same to be provided for each house. 35

45. Any enactment in force within the district of any sanitary authority requiring the construction of a watercloset shall be deemed to be satisfied by the construction, with the approval of the sanitary authority, of an earthcloset.

Any sanitary authority may, as respects any house in which any 40 earthcloset is in use with their approval, dispense with the supply

As to earth-
closets.

P. H. (E.),

s. 27.

L. G. A.,

s. 23.

S. A., 1868,

s. 7.

of water required by any contract or enactment to be furnished A.D. 1877.
to any watercloset in such house, on such terms as may be agreed
on between such authority and the person providing or required to
provide such supply of water.

5 Any sanitary authority may themselves undertake, or contract
with any person to undertake, a supply of dry earth or other deodo-
rising substance to any house within their district for the purpose
of any earthcloset.

In this Act the term "earthcloset" includes any place for the
10 reception and deodorization of faecal matter constructed to the
satisfaction of the sanitary authority.

46. When on the representation of the sanitary authority of any
district it shall appear to the satisfaction of the Local Government
Board that in such district, or in any part thereof to be defined by
15 the Local Government Board, a system has been established and is
effectually carried out by which house refuse and faecal matter is
removed at short and regular intervals, and in such a manner as
not to be a nuisance or injurious to health, the Board may by order
declare that the enactments with respect to waterclosets herein
20 contained shall, so far as regards such district, or part of a district,
be deemed to be satisfied; and such enactments shall, while such
order shall remain in force, and to the extent and subject to any
conditions herein prescribed, be deemed to be satisfied accordingly.
Every such order may from time to time be varied or revoked by
25 the Local Government Board.

47. Where it appears to any sanitary authority by the report
of their sanitary officer that any house is used or intended to be
used as a factory or building in which persons of both sexes are
employed or intended to be employed at one time in any manufacture,
30 trade, or business, the sanitary authority may, if they think fit, by
written notice, require the owner or occupier of such house, within the
time therein specified, to construct a sufficient number of waterclosets,
earthclosets, or privies, and ash pits, for the separate use of each sex.

Any person who neglects or refuses to comply with any such
35 notice shall be liable for each default to a penalty not exceeding
twenty pounds, and to a further penalty not exceeding *forty shillings*
for every day during which the default is continued.

48. Any urban authority may, if they think fit, provide and
maintain, in proper and convenient situations, urinals, waterclosets,
40 earthclosets, privies, and ash pits, and other similar conveniences for
public accommodation.

Other means
of removing
house refuse.

Privy ac-
commodation
for factories,
P. H. (E.),
s. 35.

Public
necessaries.
P. H. (E.),
s. 39.
S. A., 1868,
s. 4.
L. G. A.,
s. 23.

A.D. 1877.

Drains,
privies, &c.
to be pro-
perly kept.
P. H. (E.),
s. 40.

Examination
of drains, &c.
on complaint
of nuisance.
P. H. (E.),
s. 41.
L. G. A.,
s. 23.
S. A., 1868,
s. 4.

49. Every sanitary authority shall provide that all drains, waterclosets, earthclosets, privies, ashpits, and cesspools within their district be constructed and kept so as not to be a nuisance or injurious to health.

50. On the written application of any person to a sanitary authority, stating that any drain, watercloset, earthcloset, privy, ashpit, or cesspool on or belonging to any premises within their district is a nuisance or injurious to health (but not otherwise), it shall be lawful for any sanitary officer duly authorised in writing in that behalf by such sanitary authority, after twenty-four hours written notice to the occupier of such premises, or in case of emergency without notice, to enter such premises, with or without assistants, and cause the ground to be opened, and examine such drain, watercloset, earthcloset, privy, ashpit, or cesspool. If the drain, watercloset, earthcloset, privy, ashpit, or cesspool on examination is found to be in proper condition, he shall cause the ground to be closed, and any damage done to be made good as soon as can be, and the expenses of the works shall be defrayed by the sanitary authority. If the drain, watercloset, earthcloset, privy, ashpit, or cesspool on examination appear to be in bad condition, or to require alteration or amendment, the sanitary authority shall forthwith cause notice in writing to be given to the owner or occupier of the premises requiring him forthwith or within a reasonable time therein specified to do the necessary works; and if such notice is not complied with, the person to whom it is given shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default, and the sanitary authority may, if they think fit, execute such works, and may recover in a summary manner from the owner the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses, as well as the expenses incurred in the previous examination.

SCAVENGING AND CLEANSING.

Regulations as to Streets and Houses.

Sanitary
authority
to provide
for cleansing
of streets
and removal
of refuse.

51. Every sanitary authority may, and when required by order of the Local Government Board shall, themselves undertake or contract for—

- The removal of house refuse from premises;
- The cleansing of earthclosets, privies, ashpits, and cesspools;

either for the whole or any part of their district: Moreover, every urban authority and any rural authority invested by the Local Government Board with the requisite powers may, and when required by order of the said Board shall, themselves undertake or contract for the proper cleansing of streets, and may also themselves undertake or contract for the proper watering of streets for the whole or any part of their district.

A.D. 1877.

P. H. (E.).

s. 42.

L. G. A.

s. 23.

S. A., 1868,

s. 5.

All matters collected by the sanitary authority or contractor in pursuance of this section may be sold or otherwise disposed of, and any profits thus made by an urban authority shall be carried to the account of the fund or rate applicable by them for the general purposes of this Act; and any profits thus made by a rural authority in respect of any contributory place shall be carried to the account of the fund or rate out of which expenses incurred under this section by that authority in such contributory place are defrayed.

If any person removes or obstructs the sanitary authority or contractor in removing any matters by this section authorised to be removed by the sanitary authority, he shall for each offence be liable to a penalty not exceeding five pounds: Provided that the occupier of a house within the district shall not be liable to such penalty in respect of any such matters which are produced on his own premises and are intended to be removed for sale or for his own use, and are in the meantime kept so as not to be a nuisance.

52. If a sanitary authority who have themselves undertaken or contracted for the removal of house refuse from premises, or the cleansing of earthclosets, privies, ashpits, and cesspools, fail, without reasonable excuse, after notice in writing from the occupier of any house within their district requiring them to remove any house refuse, or to cleanse any earthcloset, privy, ashpit, or cesspool belonging to such house or used by the occupiers thereof, to cause the same to be removed or cleansed, as the case may be, within seven days, the sanitary authority shall be liable to pay to the occupier of such house a penalty not exceeding five shillings for every day during which such default continues after the expiration of the said period.

Penalty on

neglect of

sanitary

authority

to remove

refuse, &c.

P. H. (E.).

s. 43.

P. H. (I.).

s. 39.

53. Where the sanitary authority do not themselves undertake or contract for—

Power of

sanitary

authority to

make by-

laws impos-

ing duty of

cleaning,

The cleansing of footways and pavements adjoining any premises,

The removal of house refuse from any premises,

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A.D. 1877. The cleansing of earthclosets, privies, ash-pits, and cesspools belonging to any premises,
 &c. on
 occupier.
 P. H. (E.),
 s. 44.
 L. G. A.,
 s. 23.
 S. A., 1868,
 s. 5.

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An urban authority may also, and when required by order of the Local Government Board shall, make byelaws for the prevention of nuisances arising from snow, filth, dust, ashes, and rubbish, and for the regulation of the keeping of animals on any premises, or for the prevention of such keeping, so as to be injurious to health. 10

Power to provide receptacles for deposit of rubbish.

P. H. (E.),
 s. 45.

T. I. A.,
 s. 42.

Houses to be purified, on certificate of officer of health, or of two medical practitioners.

P. H. (E.),
 s. 45.

T. I. A.,
 s. 42.

54. Any sanitary authority shall, if necessary, provide in proper and convenient situations receptacles for the temporary deposit and collection of dust, ashes, and rubbish; they shall also provide fit buildings or places for the deposit of any matters collected by them in pursuance of this part of this Act. 15

55. Where, on the certificate of the sanitary officer or of any two medical practitioners, it appears to any sanitary authority that any house or part thereof is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that the whitewashing, cleansing, or purifying of any house or part thereof would tend to prevent or check infectious disease, the sanitary authority shall give notice in writing to the owner or occupier of such house or part thereof to whitewash, cleanse, or purify the same, as the case may require. 20

If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a penalty not exceeding *ten shillings* for every day during which he continues to make default; and the sanitary authority may, if they think fit, cause such house or part thereof to be whitewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default. 30

Penalty in respect of certain nuisances on premises.
 P. H. (E.),
 s. 47.
 T. I. A.,
 s. 42.

56. Any person who in any sanitary district—

- (1.) Keeps any swine or pig sty in any dwelling-house, or so as to be a nuisance to any person; or
- (2.) Suffers any waste or stagnant water to remain in any cellar or place within any dwelling-house for twenty-four hours after written notice to him from the sanitary authority to remove the same; or
- (3.) Allows the contents of any watercloset, privy, or cesspool to overflow or soak therefrom,

shall, for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding *five shillings*. 40

A.D. 1877.

for every day during which the offence is continued, and the sanitary authority shall abate or cause to be abated every such nuisance, and may recover in a summary manner the expenses incurred by them in so doing from the occupier of the premises on which the nuisance exists.

Offensive Ditches and Collections of Matter.

57. Where any watercourse or open ditch lying near to or forming the boundary between the district of any sanitary authority and any adjoining district is foul and offensive, so as injuriously to affect the district of such sanitary authority, any justice having jurisdiction in such adjoining district may, on the application of such sanitary authority, summon the sanitary authority of such adjoining district to appear before a court of summary jurisdiction to show cause why an order should not be made by such court for cleansing such watercourse or open ditch, and for executing such permanent or other structural works as may appear to such court to be necessary; and such court, after hearing the parties, or ex parte in case of the default of any of them to appear, may make such order with reference to the execution of the works, and the persons by whom the same shall be executed, and by whom and in what proportions the costs of such works shall be paid, and also as to the amount thereof, and the time and mode of payment, as to such court may seem reasonable.

58. Where in any urban district it appears to the inspector of nuisances or sanitary officer that any accumulation of manure, dung, soil, or filth, or other offensive or noxious matter, ought to be removed, he shall give notice to the person to whom the same belongs, or to the occupier of the premises whereon it exists, to remove the same; and if such notice is not complied with within twenty-four hours from the service thereof, the manure, dung, soil, or filth, or matter referred to, shall be vested in and be sold or disposed of by the urban authority, and the proceeds thereof shall be applied in payment of the expenses incurred by them in the execution of this section; and the surplus (if any) shall be paid on demand to the owner of the matter removed.

The expenses of removal by the urban authority of any such accumulation, if and so far as they are not covered by the sale thereof, may be recovered by the urban authority in a summary manner from the person to whom the accumulation belongs or from the occupier of the premises, or (where there is no occupier) from the owner.

Provision
for obtaining
order for
cleaning
offensive
ditches lying
near to or
forming the
boundaries
of districts.
P. H. (E.),
s. 48.

Removal of
filth on cer-
tificate of
inspector of
nuisances
or sanitary
officer.
P. H. (E.),
s. 49.
T. I. A.,
s. 42.

A.D. 1877.

Periodical removal of manure from mews and other premises.

P. H. (E.),
s. 50.
S. A., 1866,
s. 53.

59. Notice may be given by any urban authority (by public announcement in the district or otherwise) for the periodical removal of manure or other refuse matter from mews, stables, or other premises ; and where any such notice has been given, any person to whom the manure or other refuse matter belongs who fails so to remove the same, or permits a further accumulation, and does not continue such periodical removal at such intervals as the urban authority direct, shall be liable without further notice to a penalty not exceeding *twenty shillings* for each day during which such manure or other refuse matter is permitted to accumulate. 10

WATER SUPPLY.

Powers of Sanitary Authority in relation to Supply of Water.

General powers for supplying district with water.

P. H. (E.),
s. 51.
S. A., 1866,
s. 11.
T. L. A.,
s. 52.

60. Any urban authority may provide their district or any part thereof, and any rural authority may provide their district or any contributory place therein, or any part of any such contributory place, with a supply of water proper and sufficient for public and private purposes, and for those purposes, or any of them, may—

- (1.) Construct and maintain waterworks, dig wells, and do any other necessary acts ; and
- (2.) Take on lease or hire any waterworks, and (with the sanction of the Local Government Board) purchase any waterworks, or any water or right to take or convey water, either within or without their district, and any rights, powers, and privileges of any water company ; and
- (3.) Contract with any person for a supply of water. 25

Restriction on construction of waterworks by sanitary authority.

P. H. (E.),
s. 52.
S. A., 1866,
s. 11.
T. L. A.,
s. 52.

61. Before commencing to construct waterworks within the limits of supply of any water company empowered by Act of Parliament or any order confirmed by Parliament to supply water, the sanitary authority shall give written notice to every water company within whose limits of supply the sanitary authority are desirous of supplying water, stating the purposes for which and (as far as may be practicable) the extent to which water is required by the sanitary authority. 30

It shall not be lawful for the sanitary authority to construct any waterworks within such limits if and so long as any such company are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required by the sanitary authority ; and any difference as to whether the water which any such company are able and willing to lay on is proper and sufficient for the purposes for which it is required, or whether the purposes for which 40

it is required are reasonable, or (if and so far as the charges of the company are not regulated by Parliament) as to the terms of supply, shall be settled by arbitration in manner provided by this Act.

- 5 **62.** At least two months before commencing to construct under the provisions of this Act any reservoir (other than a service reservoir or tank which will hold not more than one hundred thousand gallons) the sanitary authority shall give notice of the intended work by advertisement in one or more of the local newspapers circulating 10 within the district where the reservoir is to be constructed.

If any person who would be affected by the intended work objects to such work, and serves notice in writing of such objection on the sanitary authority at any time within the said two months, the intended work shall not be commenced without the sanction of 15 the Local Government Board, after such inquiry as herein-after mentioned, unless such objection is withdrawn.

The Local Government Board may, on application of the sanitary authority, appoint an inspector to make inquiry on the spot into the propriety of the intended work and into the objections thereto, and 20 to report to the Local Government Board on the matters with respect to which such inquiry was directed; and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing, with such modifications (if any) as they may deem necessary, the intended work.

- 25 **63.** Where a sanitary authority supply water within their district, they shall have the same powers and be subject to the same restrictions for carrying water mains within or without their district as they have and are subject to for carrying sewers within or without their district respectively by the law for the time being 30 in force.

64. A sanitary authority shall provide and keep in any water-works constructed or purchased by them a supply of pure and wholesome water; and where a sanitary authority lay any pipes for the supply of any of the inhabitants of their district, the water may 35 be constantly laid on at such pressure as will carry the same to the top story of the highest dwelling-house within the district or part of the district supplied.

65. Where a sanitary authority supply water to any premises they may charge in respect of such supply a water rate to be 40 assessed on the net annual value of the premises to be made, assessed, and levied in like manner in every respect as the rate out of which the expenses incurred by such sanitary authority in the execution of

A.D. 1877.

As to construction
of reservoirs.
P. H. (E.),
s. 49.

Power of
carrying
mains.
P. H. (E.),
s. 54.
S. A., 1866,
s. 11.

As to supply
of water.
P. H. (E.),
s. 55.
S. A., 1866,
s. 11.
T. I. A.,
s. 52.

Power to
charge water
rates and
rents.
P. H. (E.),
s. 56.

A.D. 1877. this Act are defrayed ; moreover they may enter into agreements for supplying water on such terms as may be agreed on between them and the persons receiving the supply, and may recover water rents or other moneys payable under such agreements in a summary manner.

Incorporation of certain provisions of Waterworks Clauses Acts.
P. H. (E.),
s. 67.

66. For the purpose of enabling any sanitary authority to supply water there shall be incorporated with this Act the Waterworks Clauses Act, 1863, and the following provisions of the Waterworks Clauses Act, 1847 ; (namely,) 5

- "With respect" (where the sanitary authority have not the control of the streets) "to the breaking up of streets for the purpose of laying pipes" ; and
- "With respect to the communication pipes to be laid by the undertakers" ; and
- "With respect to the communication pipes to be laid by the inhabitants" ; and
- "With respect to waste or misuse of the water supplied by the undertakers" ; and
- "With respect to the provision for guarding against fouling the water of the undertakers" ; and
- "With respect to the payment and recovery of the water rates." 20

Provided,—

That the provisions with respect to the communication pipes to be laid by the undertakers and the inhabitants respectively shall apply only in districts or parts of districts where the sanitary authority lay any pipes for the supply of any of the inhabitants thereof ; and 25

That any dispute authorised or directed by any of the said incorporated provisions to be settled by an inspector or two justices shall be settled by a court of summary jurisdiction ; and 30

That section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom ; and any rent for pipes and works paid by an occupier under that section may be deducted by him from any rent from time to time due from him to such owner. 35

Power to supply water by measure.
P. H. (E.),
s. 68.

67. A sanitary authority may agree with any person to supply water by measure, and as to the payment to be made in the form of rent or otherwise for every meter provided by them ; they shall at all times at their own expense keep all meters and other instru-

ments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water, and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The 5 sanitary authority shall for the purposes aforesaid have access to and be at liberty at all reasonable times to remove, test, inspect, and replace any such meter or other instrument.

68. Where water is supplied by measure by any sanitary authority, the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed; and if the sanitary authority and the consumer differ with respect to the quantity consumed, the difference shall be determined, on the application of either party, by a court of summary jurisdiction, and such court may order by which of the parties the 15 costs of the proceedings before them shall be paid, and its decision shall be final and binding.

69. If any person wilfully or by culpable negligence injures or suffers to be injured any meter or fittings belonging to a sanitary authority, or fraudulently alters the index to any meter, or prevents 20 any meter from duly registering the quantity of water supplied, or fraudulently abstracts or uses water of the sanitary authority, he shall (without prejudice to any other right or remedy of the sanitary authority) be liable to a penalty not exceeding *forty shillings*, and the sanitary authority may in addition thereto recover the amount 25 of any damage sustained. The existence of artificial means, under the control of the consumer, for causing any such alteration, prevention, abstraction, or use shall be evidence that the consumer has fraudulently effected the same.

70. Any sanitary authority for the time being supplying water 30 within their own district may, with the sanction of the Local Government Board, supply water to the sanitary authority of any adjoining district on such terms as may be agreed on between such authorities, or as, in case of dispute, may be settled by arbitration in manner provided by this Act.

71. Where on the report of the sanitary officer of a sanitary authority it appears to such authority that any house within their district is without a proper supply of water, and that such a supply of water can be furnished thereto at such cost as the Local Government Board may, on the application of the sanitary 40 authority, determine under all the circumstances of the case to be reasonable, the sanitary authority shall give notice in writing to

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meter to be
evidence.
P. H. (E.),
s. 39.Penalty for
injuring
meters.
P. H. (E.),
s. 30.Power to
supply water
to authority
of adjoining
district.
P. H. (E.),
s. 61.Sanitary au-
thority may
require
houses to be
supplied
with water
in certain
cases.
P. H. (E.),
s. 62.
S. A., 1868,
s. 11 & 30.

A.D. 1877. the owner, requiring him, within a time therein specified, to obtain such supply, and to do all such works as may be necessary for that purpose.

If such notice is not complied with within the time specified, the sanitary authority may, if they think fit, do such works and obtain such supply, and for that purpose may enter into any contract with any water company supplying water within their district; and water rates may be made and levied on the premises by the authority or company which furnishes the supply, and may be recovered as if the owner or occupier of the premises had demanded a supply 10 of water and were willing to pay water rates for the same, and any expenses incurred by the sanitary authority in doing any such works may be recovered in a summary manner from the owner of the premises, or may by order of the sanitary authority be declared to be private improvement expenses.

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Powers of
water com-
pany for
supplying
water to
sanitary
authority.
P. H. (E.),
s. 63.
S. A., 1868,
s. 11.

72. Any water company may contract to supply water or may lease their waterworks to any sanitary authority; and the directors of any water company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company of a resolution passed by three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to any sanitary authority, on such terms as may be agreed on between the company and the sanitary authority, all the rights, powers, and privileges, and all or any of the waterworks, premises, and other property of the company, but subject to all liabilities to which the same are subject at the time of such purchase.

Vesting of
public
cisterns, &c.
in sanitary
authority.
P. H. (E.),
s. 64.
N. R., 1860,
s. 7.
S. A., 1868,
s. 18.

73. All existing public cisterns, pumps, wells, reservoirs, conduits, aqueducts, and works used for the gratuitous supply of water to the inhabitants of the district of any sanitary authority shall vest in and be under the control of such authority, and such authority may cause the same to be maintained and plentifully supplied with pure and wholesome water, or may substitute, maintain, and plentifully supply with pure and wholesome water other such works equally convenient; they may also (subject to the provisions of this Act) construct any other such works for supplying water for the gratuitous use of any inhabitants who choose to carry the same away, not for sale, but for their own private use.

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Water for
public baths,
or trading or

74. Any sanitary authority may, if they think fit, supply water from any waterworks purchased or constructed by them to any

public baths or wash-houses, or for trading or manufacturing purposes, on such terms and conditions as may be agreed on between the sanitary authority and the persons desirous of being so supplied; moreover, any sanitary authority may, if they think fit, construct any works for the gratuitous supply of any public baths or wash-houses established otherwise than for private profit or supported out of any poor or borough rates.

75. In every urban sanitary district, or part of such district, in which and so far as no water company shall be by law liable to the obligation of doing the several matters and things mentioned in this section, the urban authority shall cause fire-plugs and all necessary works, machinery, and assistance for securing an efficient supply of water in case of fire to be provided and maintained, and for this purpose they may enter into any agreement with any water company or person; and they shall paint or mark on the buildings and walls within the streets words or marks near to such fire-plugs to denote the situation thereof, and do such other things for the purposes aforesaid as they may deem expedient.

Provisions for Protection of Water.

- 20 76. Any person engaged in the manufacture of gas who—
 (1.) Causes or suffers to be brought or to flow into any stream, reservoir, aqueduct, pond, or place for water, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas; or,
 (2.) Wilfully does any act connected with the making or supplying of gas whereby the water in any such stream, reservoir, aqueduct, pond, or place for water is fouled,
- shall forfeit for every such offence the sum of *two hundred pounds*, and, after the expiration of twenty-four hours notice from the sanitary authority or the person to whom the water belongs in that behalf, a further sum of *twenty pounds* for every day during which the offence is continued or during the continuance of the act whereby the water is fouled.

Every such penalty may be recovered, with full costs of suit, in any of the superior courts, in the case of water belonging to or under the control of the sanitary authority by the sanitary authority, and in any other case by the person into whose water such washing or other substance is conveyed or flows or whose water is fouled by any such act as aforesaid, or in default of proceedings by such person, after notice to him from the sanitary authority of their intention to proceed for such penalty, by the sanitary authority; but such penalty shall not be recoverable

A.D. 1877.
 manufac-
 turing per-
 sons.
 P. H. (E.),
 s. 65.
 S. A., 1866,
 s. 11.

Duty of
 urban auth-
 ority to pro-
 vide fire-
 plugs.
 P. H. (E.),
 s. 66.
 T. I. A.,
 s. 62.

Penalty
 for causing
 water to be
 corrupted by
 gas wash-
 ing.
 P. H. (E.),
 s. 63.
 T. I. A.,
 s. 64.
 N. R., 1865,
 ss. 23, 24,
 and 25.
 S. A., 1866,
 s. 11.

A.D. 1877. unless it be sued for during the continuance of the offence, or within six months after it has ceased.

Sanitary authority may take proceedings to prevent pollution of streams.
P. H. (E.), s. 60.
S. U., 1865, s. 10.

77. Any sanitary authority, with the sanction of the Attorney General, may, either in their own name or in the name of any other person, with the consent of such person, take such proceedings by indictment, bill in Chancery, action, or otherwise, as they may deem advisable for the purpose of protecting any watercourse wholly or partially within their jurisdiction from pollutions arising from sewage either within or without their district; and the costs of and incidental to any such proceedings, including any costs that may be awarded to the defendant, shall be deemed to be expenses properly incurred by such authority in the execution of this Act.

Power to close polluted wells, &c.
P. H. (E.), s. 70.
P. H. (I.), s. 53.

78. On the representation of any person to any sanitary authority that within their district the water in any well, tank, or cistern, public or private, or supplied from any public pump, and used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, is so polluted as to be injurious to health, such authority may apply to a court of summary jurisdiction for an order to remedy the same; and thereupon such court shall summon the owner or occupier of the premises to which the well, tank, or cistern belongs if it be private, and in the case of a public well, tank, cistern, or pump, any person alleged in the application to be interested in the same, and may either dismiss the application, or may make an order directing the well, tank, cistern, or pump to be permanently or temporarily closed, or the water to be used for certain purposes only, or such other order as may appear to them to be requisite to prevent injury to the health of persons drinking the water.

The court may, if they see fit, cause the water complained of to be analysed at the cost of the sanitary authority applying to them under this section.

If the person on whom an order under this section is made fails to comply with the same, the court may on the application of the sanitary authority authorise them to do whatever may be necessary in the execution of the order, and any expenses incurred by them may be recovered in a summary manner from the person on whom the order is made.

Expenses incurred by any rural authority in the execution of this section, and not recovered by them as aforesaid, shall be special expenses.

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Powers of urban authority for lighting their districts.

Gas Supply, &c.

79. Any urban authority may contract with any person for the supply of gas, or other means of lighting the streets, markets, and public buildings in their district, and may provide such lamps, lamp

posts, and other materials and apparatus as they may think necessary A.D. 1877.
for lighting the same.

T. I. A.,
s. 51.
P. H. (E.),
s. 162.

Where there is not any company or person (other than the urban authority) authorised by or in pursuance of any Act of Parliament 5 or any order confirmed by Parliament to supply gas for public and private purposes supplying gas within any part of the district of such authority, such authority may themselves undertake to supply gas for such purposes, or any of them, throughout the whole or any part of their district; and if there is any such company or person 10 so supplying gas, but the limits of supply of such company or person include part only of the district, then the urban authority may themselves undertake to supply gas throughout any part of the district not included within such limits of supply.

Where an urban authority may under this Act themselves undertake to supply gas for the whole or any part of their district, a provisional order authorising a gas undertaking may be obtained by such authority under and subject to the provisions of the Gas and Water Works Facilities Act, 1870, and any Act amending the same; and in the construction of the said Act the term "the undertakers" 20 shall be deemed to include any such urban authority: Provided that for the purposes of this Act the Local Government Board shall throughout the said Act be deemed to be substituted for the Board of Trade.

80. For the purpose of supplying gas within their district or any part thereof, either for public or private purposes, any urban authority 25 may (with the sanction of the Local Government Board) buy, and the directors of any gas company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, 30 and in the case of any other company, of a resolution passed by a majority of three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to such authority, on such terms as may be agreed on between such 35 authority and the company, all the rights, powers, and privileges and all or any of the lands, premises, works, and other property of the company, but subject to all liabilities attached to the same at the time of such purchase.

Power for
sale of un-
der-taking
of gas company
to urban
authority.
P. H. (E.),
s. 162.

REGULATION OF CELLAR DWELLINGS AND LODGING-HOUSES.

Occupation of Cellar Dwellings.

81. It shall not be lawful to let or occupy, or suffer to be occupied separately as a dwelling, any cellar (including for the purposes [275.] D 4

Prohibition
of occupying
cellar dwell-
ings.
P. H. (E.),
s. 71.
S. A., 1866,
s. 42.

A.D. 1877. of this Act in that expression any vault or underground room) built or rebuilt after the passing of this Act, or which is not lawfully so let or occupied at the time of the passing of this Act.

Existing cellar dwellings only to be let or occupied on certain conditions.
P. H. (E.), s. 72.
S. A., 1866, s. 42.

82. It shall not be lawful to let or occupy or suffer to be occupied separately as a dwelling, any cellar whatsoever, unless the following requisitions are complied with; (that is to say.)

Unless the cellar is in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, and is at least three feet of its height from the surface of the street or ground adjoining or nearest the same; and

Unless there is outside of and adjoining the cellar and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground, an open area of at least two feet and six inches wide in every part; and

Unless the cellar is effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor thereof; and

Unless there is appurtenant to the cellar the use of a watercloset, earthcloset, or privy, and an ashpit furnished with proper doors and coverings, according to the provisions of this Act; and

Unless the cellar has a fireplace with a proper chimney or flue, and an external window or windows of such an area as shall be deemed sufficient by the sanitary authority, and made to open in a manner approved by the sanitary authority (except in the case of an inner or back cellar let or occupied along with a front cellar as part of the same letting or occupation, in which case the external window may be of any dimensions not being less than four superficial feet in area clear of the sash frame).

Provided that in any area adjoining a cellar there may be steps necessary for access to such cellar, if the same be so placed as not to be over, across, or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such cellar a clear space of six inches at the least, and that over or across any such area there may be steps necessary for access to any building above the cellar to which such area adjoins, if the same be so placed as not to be over, across, or opposite to any such external window.

Penalty on persons offending against enactment.
P. H. (E.), s. 73.
S. A., 1866, s. 42.

83. Any person who lets, occupies, or knowingly suffers to be occupied for hire or rent, any cellar contrary to the provisions of this Act shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which the same

continues to be so let or occupied after notice in writing from the sanitary authority in this behalf.

A.D. 1877.

Definition of occupying as a dwelling.

P. H. (E.),

s. 76.

S. A., 1866,

s. 42.

Power to close cells

in case of

two convictions.

P. H. (E.),

s. 75.

S. A., 1866,

s. 42.

Power to close cells

in case of

two convictions.

P. H. (E.),

s. 75.

S. A., 1866,

s. 42.

Power to close cells

in case of

two convictions.

P. H. (E.),

s. 76.

S. L., 1851,

s. 7.

C. L., 1853,

s. 5.

A.D. 1877. character, in such form as the sanitary authority direct, signed by three inhabitant householders of the union respectively rated to the relief of the poor of the union within which the lodging-house is situate for property of the yearly rateable value of six pounds or upwards.

Notice of registration to be affixed to houses.

P. H. (E.),
s. 79.
P. H. (L.),
s. 52.

89. The keeper of every common lodging-house shall affix and keep undefaced and legible a notice with the words "Registered Lodging-house" in some conspicuous place on the outside of such house.

The keeper of any such house who, after requisition in writing from the sanitary authority, refuses or neglects to affix or renew such notice, shall be liable to a penalty not exceeding five pounds, and to a further penalty of ten shillings for every day that such refusal or neglect continues after conviction.

90. Every sanitary authority shall from time to time make 15 bylaws—

- (1.) For fixing and from time to time varying the number of lodgers who may be received into a common lodging-house, and for the separation of the sexes therein; and,
- (2.) For promoting cleanliness and ventilation in such houses; and,
- (3.) For the giving of notices and the taking precautions in the case of any infectious disease; and,
- (4.) Generally for the well ordering of such houses.

91. Where it appears to any sanitary authority that a common lodging-house is without a proper supply of water for the use of 25 the lodgers, and that such a supply can be furnished thereto at a reasonable rate, the sanitary authority may by notice in writing require the owner or keeper of such house, within a time specified therein, to obtain such supply, and to do all works necessary for that purpose; and if the notice be not complied with accordingly, 30 the sanitary authority may remove such house from the register until it is complied with.

Limewashing of houses.

P. H. (E.),

s. 81.

C. L., 1851,

s. 6.

92. The keeper of a common lodging-house shall, to the satisfaction of the sanitary authority, limewash the walls and ceilings thereof in the first week of each of the months of April and October 35 in every year, and shall if he fails to do so be liable to a penalty not exceeding forty shillings, and in the event of such failure the work may be executed by the sanitary authority, and the cost recovered in a summary manner.

Power to order reports from keepers.

93. The keeper of a common lodging-house in which beggars or 40 vagrants are received to lodge shall from time to time, if required

in writing by the sanitary authority so to do, report to the sanitary authority, or to such person as the sanitary authority direct, every person who resorted to such house during the preceding day or night, and for that purpose schedules shall be furnished by the sanitary authority to the person so ordered to report, which schedules he shall fill up with the information required and transmit to the sanitary authority.

A.D. 1877.
of houses
receiving
vagrants,
P. H. (E.),
s. 82.
C. L. 1853,
s. 8.

94. The keeper of a common lodging-house shall, when a person in such house is ill of fever or any infectious disease, give immediate notice thereof to the sanitary officer of the sanitary authority, and also to the poor law relieving officer of the union in which the common lodging-house is situated.

Keepers to
give notice
of fever, &c.
thereto.
P. H. (E.),
s. 84.
C. L. 1851,
s. 11.

95. The keeper of a common lodging-house, and every other person having or acting in the care or management thereof, shall, at all times when required by any officer of the sanitary authority, give him free access to such house or any part thereof; and any such keeper or person who refuses such access shall be liable to a penalty not exceeding *five pounds*.

As to in-
spection.
P. H. (E.),
s. 85.
C. L. 1851,
s. 12.

96. Any keeper of a common lodging-house who—

- 20 (1.) Receives any lodger in such house without the same being registered under this Act; or,
- (2.) Fails to make a report after he has been furnished by the sanitary authority with schedules for the purpose in pursuance of this Act, of the persons resorting to such house; or,
- 25 (3.) Fails to give the notices required by this Act where any person has been confined to his bed in such house by fever or other infectious disease,

Offences by
keepers of
houses.
P. H. (E.),
s. 86.
C. L. 1851,
s. 14.
C. L. 1858,
s. 11.

shall be liable to a penalty not exceeding *five pounds*, and in the case of a continuing offence to a further penalty not exceeding *forty shillings* for every day during which the offence continues.

Evidence as
to family in
proceedings.
P. H. (E.),
s. 87.
S. A., 1866,
s. 41.

97. In any proceedings under the provisions of this Act relating to common lodging-houses, if the inmates of any house or part of a house allege that they are members of the same family, the burden of proving such allegation shall lie on the persons making it.

- 35 **98.** Where the keeper of a common lodging-house is convicted of a third offence against any of the provisions of this Act relating to common lodging-houses, the court before whom the conviction for such third offence takes place may, if it thinks fit, adjudge that he shall not at any time within *five years* after the conviction, or

Conviction
for third
offence to
disqualify
persons from
keeping
common
lodging-
house.

A.D. 1877. within such shorter period after the conviction as the court thinks fit,
 P. H. (E.), keep a common lodging-house without the previous license in writing
 s. 88. of the sanitary authority, which license the sanitary authority may
 C. L. 1833, withhold or grant on such terms and conditions as they think fit.
 s. 12.

Local
Government
Board may
empower
sanitary
authority to
make by-
laws as to
lodging-
houses.
P. H. (E.),
s. 90.
P. H. (L.),
s. 51.

Bylaws as to Houses let in Lodgings. 5
 99. The Local Government Board may, if they think fit, by notice published in the Dublin Gazette, and in some newspaper or newspapers circulating in the district, declare the following enactment to be in force within the district or any part of the district of any sanitary authority, and from and after the publication of such notice 10 such authority shall be empowered to make bylaws for the following matters; (that is to say,) 20

- (1.) For fixing and from time to time varying the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family, and for the separation of the sexes in a house so let or occupied:
- (2.) For the registration of houses so let or occupied:
- (3.) For the inspection of such houses:
- (4.) For enforcing drainage and the provision of privy accommodation for such houses, and for promoting cleanliness and ventilation in such houses:
- (5.) For the cleansing and lime-washing at stated times of the premises, and for the paving of the courts and courtyards thereof:
- (6.) For the giving of notices and the taking of precautions in case of any infectious disease.

Saving for
common
lodging-
houses.

100. The provisions of the last preceding section shall not apply to common lodging-houses within the provisions of this Act relating to common lodging-houses. 30

Urban au-
thority may
provide pub-
lic clocks.
P. H. (E.),
s. 183.
T. I. A.,
s. 65.

Clocks.

101. Any urban authority may from time to time provide such clocks as they consider necessary, and cause them to be fixed on or against any public building, or, with the consent of the owner or occupier, on or against any private building the situation of 35 which may be convenient for that purpose, and may cause the dials thereof to be lighted at night, and may from time to time alter and remove any such clocks to such other like situation as they may consider expedient.

MARKETS AND SLAUGHTER-HOUSES.

A.D. 1877.

102. Any urban authority shall have power, with the consent of two thirds of their number, to do the following things, or any of them, within their district :

5 To provide a market place and construct a market house and other conveniences for the purpose of holding markets :

To provide houses and places for weighing carts :

Urban authority may provide markets.
P. H. (E.),
s. 166 and
167.

To make convenient approaches to such market :

10 To provide all such matters and things as may be necessary for the convenient use of such market :

To purchase or take on lease or otherwise land or the right to use land, and public or private rights in markets and tolls for any of the foregoing purposes :

15 To take stallages, rents, and tolls in respect of the use by any person of such market :

but no market shall be established in pursuance of this section so as to interfere with any rights, powers, or privileges enjoyed within the district by any person without his consent.

For the purpose of enabling any urban authority to establish or to regulate markets, there shall be incorporated with this Act the provisions of the Markets and Fairs Clauses Act, 1847, in so far as the same relate to markets ; that is to say,

With respect to the holding of the market or fair, and the protection thereof ; and

25 With respect to the weighing goods and carts ; and

With respect to the stallages, rents, and tolls :

Provided that all tolls leivable by an urban authority in pursuance of this section shall be approved by the Local Government Board.

An urban authority may with respect to any market belonging to them make bylaws for any of the purposes mentioned in section forty-two of the Markets and Fairs Clauses Act, 1847, so far as those purposes relate to markets, and printed copies of any bylaw so made shall be conspicuously exhibited in the market.

103. Any urban authority may purchase, and the directors of any market company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company, of a resolution passed by a majority of three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of

Power for sale of undertaking of market company to urban authority.
P. H. (E.),
s. 168.

A.D. 1877. the business to be transacted, may sell and transfer to any urban authority, on such terms as may be agreed on between the company and the urban authority, all the rights, powers, and privileges, and all or any of the markets, premises, and things which at the time of such purchase are the property of the company, but subject to 5 all liabilities attached to the same at the time of such purchase.

Power to provide slaughter-houses.
P. H. (E.),
s. 109.
T. I. A.,
s. 47.

104. Any urban authority may, if they think fit, provide slaughter-houses, and they shall make bylaws with respect to the management and charges for the use of any slaughter-houses so provided.

For the purpose of enabling any urban authority to regulate slaughter-houses within their district the provisions of the Towns Improvement Clauses Act, 1847, with respect to slaughter-houses shall be incorporated with this Act.

Nothing in this section shall prejudice or affect any rights, powers, 15 or privileges of any persons incorporated by any local Act in force at the time of the passing of this Act, for the purpose of making and maintaining slaughter-houses.

Notice to be affixed on slaughter-houses.
P. H. (E.),
s. 170.
P. H. (I.),
s. 52.

105. The owner or occupier of any slaughter-house licensed or registered under this Act shall, within one month after the licensing 20 or registration of the premises, affix, and shall keep undecayed and legible on some conspicuous place on the premises, a notice with the words "Licensed slaughter-house," or "Registered slaughter-house," as the case may be.

Any person who makes default in this respect, or who neglects or 25 refuses to affix or renew such notice after requisition in writing from the urban authority, shall be liable to a penalty not exceeding five pounds for every such offence, and of ten shillings for every day during which such offence continues after conviction.

NUISANCES.

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Definition of nuisances.
P. H. (E.)
s. 91.
N. R., 1855,
s. 8.
S. A., 1866,
s. 19.

106. For the purposes of this Act,—

1. Any premises in such a state as to be a nuisance or injurious to health;
2. Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ashpit so foul or in such a state as to be a nuisance or injurious to health;
3. Any animal so kept as to be a nuisance or injurious to health;
4. Any accumulation or deposit which is a nuisance or injurious to health;

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A.D. 1877.

- 5 5. Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family:
- 10 6. Any factory, workshop, or workplace (not already under the operation of any general Act for the regulation of factories or bakehouses), not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein:
- 15 7. Any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufacturing or trade process whatsoever; and

20 Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance,

shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act: Provided—

25 First, that a penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on any business or manufacture if it be proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health:

30 Secondly, that where a person is summoned before any court in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, the court shall hold that no nuisance is created within the meaning of this Act, and dismiss the complaint, if it is satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.

A.D. 1877.

Duty of sanitary authority to inspect district for detection of nuisances.
P. H. (E.), s. 92.

S. A., 1868, s. 20.

Information of nuisances to sanitary authority.
P. H. (E.), s. 93.

N. R., 1855, s. 10.

Sanitary authority to serve notice requiring abatement of nuisance.
P. H. (E.), s. 94.

S. A., 1868, s. 21.

On non-compliance with notice complaint to be made to justice.
P. H. (E.), s. 95.

N. R., 1855, s. 12.

Power of court of summary jurisdiction

107. It shall be the duty of every sanitary authority to cause to be made from time to time inspection of their district, with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of this Act in order to abate the same; also to enforce the provisions of any Act in force within their district requiring fireplaces and furnaces to consume their own smoke.

108. Information of any nuisance under this Act in the district of any sanitary authority may be given to such sanitary authority by any person aggrieved thereby, or by any two inhabitant householders of such district, or by any officer of such authority, or by the relieving officer, or by any constable or officer of the police force of such district.

109. On the receipt of any information respecting the existence of a nuisance the sanitary authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default, or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose: Provided—

First. That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner:

Secondly. That where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default, or sufferance of the owner or occupier of the premises, the sanitary authority may themselves abate the same without further order.

110. If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance, although abated since the service of the notice is, in the opinion of the sanitary authority, likely to recur on the same premises, the sanitary authority shall cause a complaint relating to such nuisance to be made before a justice, and such justice shall thereupon issue a summons requiring the person on whom the notice was served to appear before a court of summary jurisdiction.

111. If the court is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the court shall make an order on such person requiring him to comply

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with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order, and to do any works necessary for that purpose; or an order prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence; or an order both requiring abatement and prohibiting the recurrence of the nuisance.

The court may by their order impose a penalty not exceeding *five pounds* on the person on whom the order is made, and shall also give directions as to the payment of all costs incurred up to the time of the hearing or making the order for abatement or prohibition of the nuisance.

112. Where the nuisance proved to exist is such as to render a house or building, in the judgment of the court, unfit for human habitation, the court may prohibit the using thereof for that purpose until, in its judgment, the house or building is rendered fit for that purpose; and on the court being satisfied that it has been rendered fit for that purpose the court may determine its previous order by another, declaring the house or building habitable, and from the date thereof such house or building may be let or inhabited.

113. Any person not obeying an order to comply with the requisitions of the sanitary authority or otherwise to abate the nuisance, shall, if he fails to satisfy the court that he has used all due diligence to carry out such order, be liable to a penalty not exceeding *ten shillings* per day during his default; and any person knowingly and wilfully acting contrary to an order of prohibition shall be liable to a penalty not exceeding *twenty shillings* per day during such contrary action; moreover, the sanitary authority may enter the premises to which any order relates, and abate the nuisance, and do whatever may be necessary in execution of such order, and recover in a summary manner the expenses incurred by them from the person on whom the order is made.

114. Where any person appeals against an order to the court of quarter sessions in manner provided by this Act, no liability to penalty shall arise, nor shall any proceedings be taken or work be done under such order, until after the determination of such appeal, unless such appeal ceases to be prosecuted.

115. Whenever it appears to the satisfaction of the court of summary jurisdiction that the person by whose act or default the nuisance arises, or the owner or occupier of the premises is not known or cannot be found, then the order of the court may be addressed to and executed by the sanitary authority.

A.D. 1877.

to make
order deal-
ing with
nuisance.P. H. (E.),
s. 96.
N. R., 1855,
s. 13.Order of
prohibition
in case of
house unfit
for human
habitation.P. H. (E.),
s. 97.
N. R., 1855,
s. 13.Penalty for
contraven-
tions of order
of court.P. H. (E.),
s. 98.
N. R., 1855,
s. 14.Appeal
against
order.P. H. (E.),
s. 99.
N. R., 1855,
s. 15 and 16.In certain
cases order
may be ad-
dressed to
sanitary
authority.P. H. (E.),
s. 100.
N. R., 1855,
s. 17.

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Power to
sell matter,
&c.

P. H. (E.),

s. 184.

N. R., 1855,

s. 18.

Power of
entry of
sanitary
authority.
P. H. (E.),
s. 102.
N. R., 1855,
s. 11.
S. A., 1866,
s. 20.

116. Any matter or thing removed by the sanitary authority in abating any nuisance under this Act may be sold by public auction; and the money arising from the sale may be retained by the sanitary authority, and applied in payment of the expenses incurred by them with reference to such nuisance, and the surplus (if any) shall be paid, on demand, to the owner of such matter or thing.

117. The sanitary authority, or any of their officers, shall be admitted into any premises for the purpose of examining as to the existence of any nuisance thereon, or of enforcing the provisions of any Act in force within the district requiring fireplaces and furnaces to consume their own smoke, at any time between the hours of nine in the forenoon and six in the afternoon, or in the case of a nuisance arising in respect of any business, then at any hour when such business is in progress or is usually carried on.

Where under this Act a nuisance has been ascertained to exist, or an order of abatement or prohibition has been made, the sanitary authority, or any of their officers, shall be admitted from time to time into the premises between the hours aforesaid, until the nuisance is abated, or the works ordered to be done are completed, as the case may be.

Where an order of abatement or prohibition has not been complied with, or has been infringed, the sanitary authority, or any of their officers, shall be admitted from time to time at all reasonable hours, or at all hours during which business is in progress or is usually carried on, into the premises where the nuisance exists, in order to abate the same.

If admission to premises for any of the purposes of this section is refused, any justice, on complaint thereof on oath by any officer of the sanitary authority (made after reasonable notice in writing of the intention to make the same has been given to the person having custody of the premises), may, by order under his hand, require the person having custody of the premises to admit the sanitary authority, or their officer, into the premises during the hours aforesaid, and if no person having custody of the premises can be found, the justice shall, on oath made before him of that fact, by order under his hand, authorise the sanitary authority, or any of their officers, to enter such premises during the hours aforesaid.

Any order made by a justice for admission of the sanitary authority, or any of their officers, on premises shall continue in force until the nuisance has been abated, or the work for which the entry was necessary has been done.

118. Any person who refuses to obey an order of a justice for admission of the sanitary authority, or any of their officers, on any premises shall be liable to a penalty not exceeding five pounds.

119. All reasonable costs and expenses incurred in making a complaint, or giving notice, or in obtaining any order of the court or any justice in relation to a nuisance under this Act, or in carrying the same into effect, shall be deemed to be money paid for the use and at the request of the person on whom the order is made; or if the order is made on the sanitary authority, or if no order is made, 10 but the nuisance is proved to have existed when the complaint was made or the notice given, then of the person by whose act or default the nuisance was caused; and in case of nuisances caused by the act or default of the owner of premises, such costs and expenses may be recovered from any person who is for the time being owner 15 of such premises: Provided that such costs and expenses shall not exceed in the whole one year's rackrent of the premises.

Such costs and expenses, and any penalties incurred in relation to any such nuisance, may be recovered in a summary manner or in the Civil Bill Court or in any superior court; and the court shall have 20 power to divide costs, expenses, and penalties between persons by whose acts or defaults a nuisance is caused as to it may seem just.

Any costs and expenses recoverable under this section by a sanitary authority from an owner of premises may be recovered from the occupier for the time being of such premises; and the owner shall 25 allow such occupier to deduct any moneys which he pays under this enactment out of the rent from time to time becoming due in respect of the said premises, as if the same had been actually paid to such owner as part of such rent:

Provided, that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which, after demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses, on application to him 35 by the sanitary authority, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall lie on such occupier:

Provided also, that nothing herein contained shall affect any contract between any owner or occupier of any house, building, or other property whereby it is or may be agreed that the occupier

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Penalty for dis-
obedience of
order.

P.E. (E.),

s. 103.

N.R., 1855,

s. 24.

Costs and
expenses of
execution of
provisionsrelating to
nuisances.

P.H. (E.),

s. 104.

N.R., 1855,

s. 19.

S.A., 1895,
s. 34.

A.D. 1877. shall pay or discharge all rates, dues, and sums of money payable in respect of such house, building, or other property, or to affect any contract whatsoever between landlord and tenant.

Power of individual to complain to justice of nuisances.
P. H. (E.), s. 105.
N. E., 1860, s. 13.

120. Complaint may be made to a justice of the existence of a nuisance under this Act on any premises within the district of any sanitary authority by any person aggrieved therby, or by any inhabitant of such district, or by any owner of premises within such district, and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, penalties for disobedience of orders, appeal, and otherwise, as in the case of a complaint relating to a nuisance made to a justice by the sanitary authority:

Provided that the court may, if it thinks fit, adjourn the hearing or further hearing of the summons for an examination of the premises where the nuisance is alleged to exist, and may authorise 15 the entry into such premises of any constable or other person for the purposes of such examination:

Provided also, that the court may authorise any constable or other person to do all necessary acts for executing an order made under this section, and to recover the expenses from the person on whom the order is made in a summary manner.

Any constable or other person authorised under this section shall have the like powers and be subject to the like restrictions as if he were an officer of the sanitary authority authorised under the provisions of this Act relating to nuisances to enter any premises 25 and do any act thereon.

Power of officer of police to proceed in certain cases against nuisances.
P. H. (E.), s. 105.
S. A., 1866, s. 16.
P. H. (L.), s. 36.

121. Where it is proved to the satisfaction of the Local Government Board that a sanitary authority have made default in doing their duty in relation to nuisances under this Act, the Local Government Board may authorise any officer of police or constabulary acting 30 within the district of the defaulting authority to institute any proceeding which the defaulting authority might institute with respect to such nuisances, and such officer may recover in a summary manner, or in the civil bill or any superior court, any expenses incurred by him, and not paid by the person proceeded against, 35 from the defaulting authority:

But such officer of police or constabulary shall not be at liberty to enter any house or part of a house used as the dwelling of any person without such person's consent, or without the warrant of a justice, for the purpose of carrying into effect this enactment. 40

Sanitary authority may take

122. Any sanitary authority may, if in their opinion summary proceedings would afford an inadequate remedy, cause any pro-

ceedings to be taken against any person in any superior court of law or equity to enforce the abatement or prohibition of any nuisance under this Act, or for the recovery of any penalties from or for the punishment of any persons offending against the provisions of this Act relating to nuisances, and may order the expenses of and incident to all such proceedings to be paid out of the fund or rate applicable by them to the general purposes of this Act.

A.D. 1877.
proceedings
in superior
court for
abatement of
nuisances.
P. H. (E.),
s. 107.
S. A., 1866,
s. 30.

- 123.** Where a nuisance under this Act within the district of a sanitary authority appears to be wholly or partially caused by some act or default committed or taking place without their district, the sanitary authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances by this Act authorised, with the same incidents and consequences, as if such act or default were committed or took place wholly within their district; so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the district where the act or default is alleged to be committed or take place.
- 124.** Where two convictions against the provisions of any Act relating to the overcrowding of a house have taken place in respect of the same house within a period of three months (whether the persons convicted were or were not the same) a court of summary jurisdiction may, on the application of the sanitary authority of the district in which the house is situated, direct the closing of the house for such period as the court may deem necessary.

- 125.** For the purpose of the provisions of this Act relating to nuisances any ship or vessel lying in any river, harbour, or other water within the district of a sanitary authority shall be subject to the jurisdiction of that authority in the same manner as if it were a house within such district; and any ship or vessel lying in any river, harbour, or other water not within the district of a sanitary authority shall be deemed to be within the district of such sanitary authority as may have been or may be prescribed by the Local Government Board, and where no sanitary authority has been prescribed, then of the sanitary authority whose district nearest adjoins the place where such ship or vessel is lying.

Provision in
case of two
convictions
for over-
crowding.
P. H. (E.),
s. 109.
S. A., 1866,
s. 36.

The master or other officer in charge of any such ship or vessel shall be deemed for the purpose of the said provisions to be the occupier of such ship or vessel.

This section shall not apply to any ship or vessel under the command or charge of any officer bearing Her Majesty's

A.D. 1877. commission, or to any ship or vessel belonging to any foreign government.

Provisions of
Act relating
to nuisances
not to affect
other
remedies.
P. H. (E.),
s. 111.

126. The provisions of this Act relating to nuisances shall be deemed to be in addition to and not to abridge or affect any right, remedy, or proceeding under any other provisions of this Act, or under any other Act not by this Act repealed, or at law or in equity:

Provided that no person shall be punished for the same offence both under the provisions of this Act relating to nuisances and under any other law or enactment. 10

OFFENSIVE TRADES.

Restriction
on establish-
ment of
offensive
trade in
urban dis-
trict.
P. H. (E.),
s. 112.
T. I. A.,
s. 50.

127. Any person who, after the passing of this Act, establishes within the district of an urban authority, without their consent in writing, any offensive trade; that is to say, the trade of—

Blood boiler, or

Bone boiler, or

Felmonger, or

Sosp boiler, or

Tallow melter, or

Tripe boiler, or gut manufacturer, or

Any other noxious or offensive trade, business, or manu-
facture,

shall be liable to a penalty not exceeding fifty pounds in respect of the establishment thereof, and any person carrying on a business so established shall be liable to a penalty not exceeding forty 25 shillings for every day on which the offence is continued, whether there has or has not been any conviction in respect of the establish-
ment thereof.

Bylaws as
to offensive
trades in
urban dis-
trict.
P. H. (E.),
s. 113.

128. Every urban authority shall from time to time, with the sanction of the Local Government Board, make bylaws with respect 30 to any offensive trades established with their consent either before or after the passing of this Act, in order to prevent or diminish the noxious or injurious effects thereof.

Duty of
urban autho-
rity to
complain
to justice of
nuisance
arising from
offensive
trade.
P. H. (E.),
s. 114.

129. Where any candle-house, melting-house, melting-place, or soap-house, or any slaughter-house, or any building or place for boiling oil or blood, or for boiling, burning, or crushing bones, or any manufactory, building, or place used for any trade, busi-
ness, process, or manufacture causing effluvia, is certified to any 35 urban authority by their sanitary officer, or by any two legally qualified medical practitioners, or by any ten inhabitants of the 40

district of such urban authority, to be a nuisance or injurious to the health of any of the inhabitants of the district, such urban authority shall direct complaint to be made before a justice, who may summon the person by or on whose behalf the trade so complained of is carried on to appear before a court of summary jurisdiction.

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N. R., 1866,

s. 27 and 30.

S. A., 1866,

s. 115.

The court shall inquire into the complaint, and if it appears to the court that the business carried on by the person complained of is a nuisance, or causes any effluvia which is a nuisance or injurious to the health of any of the inhabitants of the district, and unless it be shown that such person has used the best practicable means for abating such nuisance, or preventing or counteracting such effluvia, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier,) shall be liable to a penalty not exceeding ~~five~~
15 pounds nor less than forty shillings, and on a second and any subsequent conviction to a penalty double the amount of the penalty imposed for the last preceding conviction, but the highest amount of such penalty shall not in any case exceed the sum of two hundred pounds:

20 Provided, that the court may suspend its final determination on condition that the person complained of undertakes to adopt, within a reasonable time, such means as the court may deem to be practicable and order to be carried into effect for abating such nuisance, or mitigating or preventing the injurious effects of such effluvia, 25 or if such person gives notice of appeal to the court of quarter sessions in manner provided by this Act.

Any urban authority may, if they think fit, on such certificate as is in this section mentioned, cause to be taken any proceedings in any superior court of law or equity against any person in respect of 30 the matters alleged in such certificate.

130. Where any house, building, manufactory, or place which is certified in pursuance of the last preceding section to be a nuisance or injurious to the health of any of the inhabitants of the district of an urban authority is situated without such district, such 35 urban authority may take or cause to be taken any proceedings by that section authorised in respect of the matters alleged in the certificate, with the same incidents and consequences, as if the house, building, manufactory, or place were situated within such district; so, however, that summary proceedings shall not in any 40 case be had otherwise than before a court having jurisdiction in the district where the house, building, manufactory, or place is situated.

Power to proceed where nuisance arises from offensive trade carried on without district.
P. H. (E.)
s. 115.

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UNsound MEAT, &c.

Power of
medical
officer of
health to
inspect
meat, &c.
P. H. (E.),
s. 116.
N. R., 1863,
s. 2.
T. L. A.,
s. 47.
P. H. (I.),
s. 56.

131. Any sanitary officer of the sanitary authority may at all reasonable times inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter exposed for sale, or deposited in any place for the purpose 5 of sale, or of preparation for sale, and intended for the food of man, the proof that the same was not exposed or deposited for any such purpose, or was not intended for the food of man, resting with the party charged; and if any such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter 10 appears to such sanitary officer to be diseased, or unsound, or unwholesome, or unfit for the food of man, he may seize and carry away the same himself, or by an assistant, in order to have the same dealt with by a justice.

Power of
justice to
order de-
struction of
unsound
meat, &c.
P. H. (E.),
s. 117.
N. R., 1863,
s. 2.
T. L. A.,
s. 47.
P. H. (I.),
s. 58.

132. If it appears to the justice that any animal, carcase, meat, 15 poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter so seized is diseased, or unsound, or unwholesome, or unfit for the food of man, he shall condemn the same, and order it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man; and the person to whom the same 20 belongs or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding *twenty pounds* for every animal, carcase, or fish, or piece of meat, flesh, or fish, or any poultry or game, or for the parcel of fruit, vegetables, corn, bread, or flour, or for the milk 25 or butter so condemned, or at the discretion of the justice, without the infliction of a fine, to imprisonment for a term of not more than *three months*.

The justice who, under this section, is empowered to convict the offender may be either the justice who may have ordered the article 30 to be disposed of or destroyed, or any other justice having jurisdiction in the place.

Penalty for
hindering
officer from
inspecting
meat, &c.
P. H. (E.),
s. 118.
N. R., 1863,
s. 3.

133. Any person who in any manner prevents any sanitary officer or other person duly authorised by the sanitary authority of the sanitary district from entering any premises in such district and 35 inspecting any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter, exposed or deposited for the purpose of sale, or of preparation for sale, and intended for the food of man, or who obstructs or impedes any such officer or person, when carrying into execution the provisions of this Act, 40 shall be liable to a penalty not exceeding *five pounds*.

134. On complaint made on oath by a sanitary officer, or other person duly authorised by a sanitary authority, any justice may grant a warrant to any such officer or person to enter any building or part of a building in which such officer or person has reason for believing that there is kept or concealed any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter which is intended for sale for the food of man, and is diseased, unsound, or unwholesome, or unfit for the food of man; and to search for, seize, and carry away any such animal or other article in order to have the same dealt with by a justice under the provisions of this Act.

Any person who obstructs any such officer or person in the performance of his duty under such warrant shall, in addition to any other punishment to which he may be subject, be liable to a penalty not exceeding twenty pounds.

135. The grand jury of any county may, for the purpose of providing for the due execution of The Sale of Food and Drugs Act, 1875, from time to time, without previous application to presentment sessions, present in advance such moneys as may in their opinion be necessary, and the treasurer, or any person discharging the duties of treasurer, or finance committee of such county may, out of any money in his or their hands raised in pursuance of any such presentment, from time to time advance to any inspector of weights and measures or police constable such sums as he or they may think necessary for the purpose aforesaid.

INFECTIOUS DISEASES.

Provisions against Infection.

136. Where any sanitary authority are of opinion, on the certificate of their sanitary officer, or of any legally qualified medical practitioner, that the cleansing and disinfecting of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it shall be the duty of such authority to give notice in writing to the owner or occupier of such house or part thereof, requiring him to cleanse and disinfect such house or part thereof and articles within a time specified in such notice.

If the person to whom notice is so given fails to comply therewith, he shall be liable to a penalty of not less than one shilling and not exceeding ten shillings for every day during which he continues to

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Search warrant may be granted by a justice.

P. H. (E.),

s. 119.

P. H. (I.),

s. 37.

Grand juries may present in advance for the purpose of providing for the execution of The Sale of Food and Drugs Act, 1875.

P. H. (E.),

s. 120.

S. A., 1886

s. 22.

A.D. 1877. — make default; and the sanitary authority shall cause such house or part thereof and articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a summary manner.

Where the owner or occupier of any such house or part thereof is 5 from poverty or otherwise unable, in the opinion of the sanitary authority, effectually to carry out the requirements of this section, such authority may, without enforcing such requirements on such owner or occupier, with his consent cleanse and disinfect such house or part thereof and articles, and defray the expenses thereof. 10

Destruction
of infected
bedding, &c.
P. H. (E.),
s. 121.
P. H. (L.),
s. 50.

Provision of
means of
disinfection.
P. H. (E.),
s. 122.
S.A., 1866,
s. 23.

Provision of
conveyance
for infected
persons.
P.H. (E.),
s. 123.
S.A., 1866,
s. 24.

Removal of
infected per-
sons without
proper
lodging to
hospital by
order of
justice.
P.H. (E.),
s. 124.
S.A., 1866,
s. 25.
P.H. (L.),
s. 54.

137. Any sanitary authority may direct the destruction of any bedding, clothing, or other articles which have been exposed to infection from any dangerous infectious disorder, and may give compensation for the same.

138. Every sanitary authority may provide a proper place, with all 15 necessary apparatus and attendance, for the disinfection of bedding, clothing, or other articles which have become infected, and shall cause any articles brought for disinfection to be disinfected free of charge, and may provide for the conveyance of such articles to such place. 20

139. Every sanitary authority shall provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any infectious disorder, and shall pay the expense of conveying therein any person so suffering to a hospital or other place of destination. 25

140. Where any suitable hospital or place for the reception of the sick is provided within the district of a sanitary authority, or within a convenient distance of such district, any person who is suffering from any dangerous infectious disorder, and is without proper lodging or accommodation, or lodged in a room occupied by other persons not so suffering, or is on board any ship or vessel, may, on a certificate signed by a legally qualified medical practitioner, and with the consent of the superintending body of such hospital or place, be removed, by order of any justice, to such hospital or place at the cost of the sanitary authority; and any person so suffering, who is lodged in any common lodging-house, may, with the like consent and on a like certificate, be so removed by order of the sanitary authority. 35

An order under this section may be addressed to such constable or officer of the sanitary authority as the justice or sanitary authority 40

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making the same may think expedient; and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

141. Any person who—

- 5 (1.) While suffering from any dangerous infectious disorder wilfully exposes himself without proper precautions against spreading the said disorder in any street, public place, shop, inn, or public conveyance, or enters any public conveyance without previously notifying to the owner, conductor, or driver thereof that he is so suffering; or
- 15 (2.) Being in charge of any person so suffering, so exposes such sufferer; or
- 15 (3.) Gives, lends, sells, transmits, or exposes, without previous disinfection any bedding, clothing, rags, or other things which have been exposed to infection from any such disorder; or
- 20 (4.) Exposes or conveys without proper precaution the body of any person who has died of any dangerous infectious disorder,

shall be liable to a penalty not exceeding five pounds; and a person who, while suffering from any such disorder, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the court to pay such owner and driver the amount of any loss and expense they may incur in carrying into effect the provisions of this Act with respect to disinfection of the conveyance.

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags, or other things for the purpose of having the same disinfected.

142. Every owner or driver of a public conveyance shall immediately provide for the disinfection of such conveyance after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder, or any bedding, clothing, rags, or other things which have been exposed to infection from such disorder, and which have not been previously disinfected, and if he fails to do so he shall be liable to a penalty not exceeding five pounds; but no such owner or driver shall be required to convey any person so suffering, or any such bedding, clothing, or other things, until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

Penalty on failing to provide for disinfection of public conveyance.
P. H. (E.), s. 127.
S. A., 1866, s. 25.

Penalty on letting houses in which infected persons have been lodging.
P. H. (E.), s. 128.
S. A., 1866, s. 39.

143. Any person who knowingly lets for hire any house, room, or part of a house in which any person has been suffering from any dangerous infectious disorder, without having such house, room, or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, shall be liable to a penalty not exceeding *twenty pounds*.
5

For the purposes of this section, the keeper of an inn shall be deemed to let for hire part of a house to any person admitted as a guest into such inn.

10

Penalty on persons letting or taking houses making false statements as to infectious disease.
P. H. (E.), s. 129.
P. H. (I.), s. 58.

144. Any person letting for hire or showing for the purpose of letting for hire any house or part of a house who, on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there being or within six months previously having been therein any person suffering from any dangerous 15 infectious disorder, or any person hiring or negotiating for the hire of any house or part of a house, who, on being questioned by any person letting, or showing for the purpose of letting, such house or part of a house as to the fact of any of the persons for whose use the said house or part of the house is about being hired being, or, within 20 three months previously, having been affected by any dangerous infectious disorder, knowingly makes a false answer to such question, shall be liable, at the discretion of the court, to a penalty not exceeding *twenty pounds*, or to imprisonment, with or without hard labour, for a period not exceeding *one month*.
25

Infection in schools.

145. Any person who shall knowingly send a child to school who, within the space of three months, has been suffering from any dangerous infectious disorder, or who has been reskewt in any house in which such dangerous infectious disorder shall have existed, within the space of six weeks, without a certificate from 30 some duly qualified medical practitioner that such child is free from disease and infection, and unless his or her clothes have been properly disinfected, shall be liable to a penalty not exceeding *forty shillings*.

Justices may make an order for the vaccination of any child under 14 years.
P. H. (I.), s. 58.

146. If any registrar, or any officer appointed by the guardians 35 to enforce the provisions of the Acts relating to vaccination in Ireland, shall give information in writing to a justice of the peace that he has reason to believe that any child under the age of fourteen years, being within the union or district for which the informant acts, has not been successfully vaccinated, and that he 40 has given notice to the father or mother of the said child, or to the person having the care, nurture, or custody of such child, to procure its being vaccinated, and that this notice has been disregarded,

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the justice may summon such father or mother or person to appear with the child before him at a certain time and place, and upon the appearance, if the justice shall find, after such examination as he shall deem necessary, that the child has not been vaccinated, 5 nor has already had the smallpox, he may, if he see fit, make an order under his hand and seal directing such child to be vaccinated within a certain time; and if at the expiration of such time the child shall not have been so vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, 10 the person upon whom such order shall have been made shall be proceeded against summarily, and, unless he can show some reasonable ground for his omission to carry the order into effect, shall be liable to a penalty not exceeding *twenty shillings*.

Provided that if the justice shall be of opinion that the person is 15 improperly brought before him, and shall refuse to make any order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider to be a fair compensation for his expenses and loss of time in attending before the justice.

20 **147.** The Local Government Board may from time to time make, alter, and revoke such regulations as to the said Board may seem fit, with a view to the treatment of persons affected with cholera, or any other epidemic, endemic, or infectious disease, and preventing the spread of cholera and such other diseases, as well on the seas, rivers, 25 and waters of the United Kingdom, and on the high seas within three miles of the coasts thereof, as on land; and may declare by what authority or authorities such regulations shall be enforced and executed. Regulations so made shall be published in the Dublin Gazette, and such publication shall be for all purposes conclusive 30 evidence of such regulations.

Power of
Local
Government
Board to
make regu-
lations.
P. H. (E.),
s. 130.
S. A., 1866,
s. 52.

Any person wilfully neglecting or refusing to obey or carry out P. H. (E.),
or obstructing the execution of any regulation made under this s. 60.
section shall be liable to a penalty not exceeding *fifty pounds*.

PREVENTION OF THE SPREAD OF INFECTIOUS DISEASES.

35 **148.** Whenever any part of Ireland appears to be threatened with or is affected by any formidable epidemic, endemic, or infectious disease, the Local Government Board may make, and from time to time alter and revoke, regulations for all or any of the following purposes; (namely,) Power of
Local
Government
Board to
make regu-
lations for
prevention
of the spread
of disease.

- 40 (1.) For the speedy interment of the dead; and
 (2.) For house to house visitation;
 (3.) For the provision of medical aid and hospital accommoda-
 tion; and

P. H. (E.),
s. 134.

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(4.) For the promotion of cleansing, ventilation, and disinfection,
and for guarding against the spread of disease.

D. P., ss. 5,
6, 7, and 11.
S. A., 1868,
ss. 30, 37, 62,
36 & 37 Vict.
c. 78.

and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any sanitary authority, and to apply to any ships or vessels, whether on inland waters, or on arms or parts of the sea within the jurisdiction of the Lord High Admiral of the United Kingdom or the commissioners for exercising the office of the Lord High Admiral for the time being, for the period in such order mentioned; and may by any subsequent order abridge or extend such period. For the purpose of any regulations to be made under this section any ship or vessel lying in any river, harbour, or other water within the district of a sanitary authority shall be subject to the jurisdiction of that authority in the same manner as if it were a house within such district; and any ship or vessel lying in any water not within the district of a sanitary authority shall be deemed to be within the district of such sanitary authority as may have been or may be prescribed by the Local Government Board, and where no sanitary authority has been prescribed, then of the sanitary authority whose district nearest adjoins the place where such ship or vessel is lying.

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Boards of
guardians
to see to
the execution
of regula-
tions.
P. H. (E.),
s. 136.

149. The board of guardians of any union within which, or within part of which, regulations so issued by the Local Government Board are declared to be in force, shall superintend and see to the execution thereof, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts, matters, and things as may be necessary for mitigating any such disease, or for superintending or aiding in the execution of such regulations, or for executing the same, as the case may require. Moreover, such board of guardians may from time to time direct any prosecution or legal proceedings for or in respect of the wilful violation or neglect of any such regulations.

Any such expenses incurred by any board of guardians with respect to any ship or vessel lying in any river, harbour, or water, shall, in case the Local Government Board shall so direct, be defrayed out of a common fund to be contributed by the sanitary districts which, or any part of which, abut on such river, harbour, or water, in such proportions as the Local Government Board thinks just and shall order.

For the purpose of obtaining payment from any contributory sanitary district of the sum to be contributed by it, such board of guardians shall issue its precept to the sanitary authority of each such contributory district, requiring them within a time limited by the precept to pay the amount therein mentioned to the person therein specified.

Any contribution due from any sanitary authority under this section shall be a debt due from them and may be recovered accordingly, such contribution being deemed expenses of such sanitary authority incurred by them in carrying into effect the provisions of 5 this Act.

150. The board of guardians of any union within which, or within part of which, regulations so issued by the Local Government Board are declared to be in force, and their officers, shall have power of entry on any premises or ships or vessels for 10 the purpose of executing or superintending the execution of any regulations so issued by the Local Government Board as aforesaid.

151. Whenever, in compliance with any regulation so issued by the Local Government Board as aforesaid, the medical officer of health of any sanitary district performs any medical service on board any ship or vessel he shall be entitled to charge extra for 15 such service, at a rate to be fixed by the Local Government Board; and such charges shall be payable by the captain of such vessel on behalf of the owner thereof, together with any reasonable expenses for the treatment of the sick.

20 Where such services are rendered by any medical practitioner who is not a medical officer of health of any sanitary district, he shall be entitled to charges for any service rendered on board, with extra remuneration on account of distance, at the same rate as those which he is in the habit of receiving from private patients of the 25 class of those attended and treated on shipboard, to be paid as aforesaid. In case of dispute in respect of such charges, such dispute may, where the charges do not exceed twenty pounds, be determined by a court of summary jurisdiction; and such court shall determine summarily the amount which is reasonable, according to the accustomed rate of charge within the place where the dispute arises 30 for attendance on patients of the like class as those in respect of whom the charge is made.

152. The Local Government Board may, if they think fit, by order authorise or require any two or more boards of guardians to act 35 together for the purposes of the provisions of this Act relating to prevention of epidemic diseases, and may prescribe the mode of such joint action and of defraying the costs thereof.

153. Any person who—
 (1) Wilfully violates any regulation so issued by the Local 40 Government Board as aforesaid; or,
 (2) Wilfully obstructs any person acting under the authority
 or in the execution of any such regulation,
 shall be liable to a penalty not exceeding five pounds.

Local Government Board may consist of boards of guardians.
P. H. (E.), s. 132.
S. A. 1886, s. 40.

Penalty for violating or obstructing the execution of regulations.
P. H. (E.), s. 140.
D. P., s. 14.

A.D. 1877.

Hospital
accommodation.

154. Any sanitary authority may, with the sanction of the Local Government Board, provide for the use of the inhabitants of its district hospitals or temporary places for the reception of the sick or convalescent, and for that purpose may itself build such hospitals or places of reception, or contract for the use of any existing hospital, 5 or part of a hospital, or place for the reception of the sick or convalescent, or may enter into an agreement with any person, or body of persons, having the management of any hospital for the reception of the sick or convalescent inhabitants of the district, on payment of such annual or other sum as may be agreed upon. 10

Recovery of
cost of
maintenance
of patient
in hospital.

155. Any expenses incurred by a sanitary authority in maintaining in a hospital, or in a temporary place for the reception of the sick (whether or not belonging to such authority) a patient who is not a pauper, shall be deemed to be a debt due from such patient to the sanitary authority, and may be recovered from him at any time within six months after his discharge from such hospital or place of reception, or from his estate in the event of his dying in such hospital or place. 15

MORTUARIES, &c.

Power of
sanitary
authority
to provide
mortuary.
P. H. (E.)
s. 141.
S. A., 1865,
s. 27.

Justice may
in certain
cases order
removal of
dead body
to mortuary.
P. H. (E.),
s. 142.
S. A., 1865,
s. 27.

156. Any sanitary authority may, and if required by the Local Government Board shall, provide and fit up a proper place for the reception of dead bodies before interment (in this Act called a mortuary), and may make byelaws with respect to the management and charges for use of the same; they may also provide for the decent and economical interment, at charges to be fixed by such 25 byelaws, of any dead body which may be received into a mortuary.

157. Where the body of one who has died of any infectious disease is retained in a room in which persons live or sleep, or any dead body which is in such a state as to endanger the health of the inmates of the same house or room is retained in such house 30 or room, any justice may, on a certificate signed by a legally qualified medical practitioner, whose fee for giving the certificate shall be ten shillings, to be paid by the sanitary authority, order the body to be removed, at the cost of the sanitary authority, to any mortuary provided by such authority, 35 and direct the same to be buried within a time to be limited in such order; and unless the friends or relations of the deceased undertake to bury the body within the time so limited, and do bury the same, it shall be the duty of the relieving officer to bury such body at the expense of the poor rate, but any expense so 40 incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial.

Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding ~~six pounds~~. A.D. 1877.

The body of any person who has died of any dangerous infectious disease in any hospital or place for the treatment of the sick shall not be removed from such hospital, until removed direct to a mortuary or cemetery, and any person violating, or any officer of a hospital or other person who knowingly permits the violation of this provision, shall be liable to a penalty not exceeding ~~six pounds~~.

- 10 158. Any sanitary authority may provide and maintain a proper place (otherwise than at a workhouse or at a mortuary) for the reception of dead bodies during the time required to conduct any post-mortem examination ordered by a coroner or other constituted authority, and may make regulations with respect to the management of such place; and where any such place has been provided, a coroner or other constituted authority may order the removal of the body to and from such place for carrying out such post-mortem examination, such costs of removal to be paid in the same manner and out of the same fund as the costs and fees for post-mortem examinations when ordered by the coroner.

Power of
sanitary
authority
to provide
places for
post-mortem
examina-
tions.
P. H. (E.),
s. 143.
S. A., 1866,
s. 28.

PART III. BURIAL GROUNDS.

159. The Sanitary Authority of each Sanitary District shall be the burial board for such district, and such burial board shall, in carrying into execution the provisions of this Part of this Act, be subject to the control and direction of the Local Government Board.

Sanitary
authority to
be burial
board.

160. Every burial ground heretofore vested in a board of guardians by the Commissioners of Church Temporalities in Ireland shall be transferred to and shall vest in the burial board as constituted by this Act of the district within which it is situate, subject to all rights, liabilities, and obligations affecting the same, and any burial ground hereafter to be vested by the said Commissioners in a burial board shall be vested by them in the burial board of the district in which such burial ground shall be situate, anything to the contrary heretofore enacted notwithstanding.

Vesting of
burial ground
by Church
Tem-
poralities Com-
missioners.

- All burial grounds and all property, real and personal, including all interests, rights, and easements in, to, and out of property, real and personal (including things in action), heretofore belonging to or vested in any burial board under the Burial Grounds Acts shall be transferred to and vest in the burial board (as constituted by this Act) of the district within which the same are situate, subject to all rights, debts, liabilities, and obligations affecting the same.

Provided that every burial ground heretofore acquired by any

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A.D. 1877. burial board under the provisions of the Burial Grounds Acts, or of any local Act, situate wholly or in part without the limits of the district of such burial board as prescribed by this Act, shall for all the purposes of this Act be deemed to be situate wholly within the limits of the district of such burial board.

All such property shall be held by such burial board upon trust for the district or several places respectively within its jurisdiction as a burial board under this Act.

On representation duly made, Local Government Board may restrain the opening of new burial grounds and order discontinuance of burials in specified places.

B. G., 1858,
n. 5.

161. In case it shall appear to the Local Government Board, upon representation made to it or otherwise, that for the protection of public health the opening of any new burial ground in any city or town, or within any other limits in Ireland, save with the approval of the Local Government Board, should be prohibited, or that for such protection of public health, or for the maintenance of public decency, or to prevent a violation of the respect due to the remains of deceased persons, that burials in any city or town, or within any other limits, or in any burial ground or places of burial in Ireland, should be wholly discontinued, or should be discontinued subject to any exception or qualification, it shall be lawful for the Local Government Board to order that no new burial ground shall be opened in any city or town or within such limits, without such previous approval, or that after a time mentioned in the order burials in any such city or town, or within such limits, or in such burial grounds, or places of burial, shall be discontinued wholly or subject to any exceptions or qualifications mentioned in such order, and so from time to time as circumstances may require.

Power to direct local inquiry.

162. When and so often as such representation shall have been made, or otherwise as occasion may require, it shall and may be lawful for the Local Government Board, if it shall think fit, to direct an inquiry to be made in the place or district in which any such burial ground or place of burial may be situate, in respect of any matter in relation thereto, after notice shall have been given of the time, place, and subject of such inquiry, such notice to be published once in the Dublin Gazette, and affixed on the doors of the church and chapel of, or in some other conspicuous places within, the parish in which such burial ground may be situate, three weeks before the time of holding such inquiry; and it shall be lawful for one of the inspectors of the said Local Government Board to hold such inquiry, and upon receipt of the report of such inspector as to the result of such inquiry, and of the evidence, if any, taken thereon, it shall be lawful for the Local Government Board to act, and deal with, and make such order in the case, in such manner and in such form, and without further notice, as to them may seem meet; and at any time thereafter, to vary such order as occasion

may require, and every such order or amended order shall be deemed in all respects valid and effectual in law. A.D. 1857.

163. It shall be lawful for the Local Government Board to postpone the time appointed by any order for the discontinuance of burials, or otherwise to vary any order made under this Act, (whether the time thereby appointed for the discontinuance of burials thereunder or other operation of such order shall or shall not have arrived,) as to the said board shall seem fit; and every order of the said board made for varying any order previously made under this

10 Act shall be deemed valid and effectual in law.

164. No such order as aforesaid shall be deemed to extend to any burial ground of the people called Quakers, used solely for the burial of the bodies of such people, unless the same shall be expressly mentioned in such order, and nothing in this Act shall prevent the burial

15 of the bodies of such people in any such burial ground in which for the time being interment is not required to be discontinued.

165. No such order as aforesaid shall be deemed to extend to the burial grounds or cemeteries situate respectively in Merrion Row and Peter Street in the city of Dublin, the property of the

20 French Protestants, and used solely for the burial of the bodies of the descendants of the French Protestant refugees, unless the same be expressly mentioned in such order, and nothing in this Act shall prevent the burial as heretofore in such burial grounds or cemeteries respectively, so situate in Merrion Row and Peter

25 Street aforesaid, of the bodies of such descendants of French Protestant refugees.

166. If any person, after the time mentioned in any order under this Act for the discontinuance of burials, knowingly and wilfully buries any body, or in anywise acts or assists in the burial

30 of any body, in or under any church, chapel, churchyard, burial ground, or place of burial or elsewhere, as the case may be, within the limits in which burials have by such order been ordered to be discontinued, in violation of the provisions of any such order,

35 every person so offending shall, upon conviction thereof before a court of summary jurisdiction, forfeit a sum not exceeding ten pounds.

167. Notwithstanding any such order as aforesaid where, by usage or otherwise, there is at the time of the passing of this Act any usage or right of interment in or under any church or chapel affected by such order, or in any vault of any such church or

40 chapel, or of any churchyard or burial ground affected by such order, and where any exclusive right of interment in any such burial ground has been purchased or acquired before the passing of the Burial Grounds (Ireland) Act, 1856, it shall be lawful for the Local Government Board, from time to time, on application

Local Government Board may postpone order for discontinuance of burials, &c. B.G., 1856, s. 6.

Order act to extend to burial grounds of Quakers, unless expressly indicated. B.G., 1856, s. 7.

Order not to extend to burial grounds of French Protestants, unless expressly indicated. B.G., 1856, s. 8.

Penalty on persons burying contrary to the provisions of orders. B.G., 1856, s. 9.

Saving of certain rights to bury in vaults. B.G., 1856, s. 10.

A.D. 1877. being made to it, and on being satisfied that the exercise of such right is not injurious to health, to grant a license for the exercise of such right, during such time and subject to such conditions and restrictions as the said board may think fit; but such license shall not prejudice or in anywise affect the authority of any person who if this Act had not been passed might have prohibited or controlled interment under such right, nor dispense with any consent which would have been required under such right, nor otherwise give to such right any greater force or effect than the same would have had if this Act had not been passed.

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New burial grounds not to be opened cemetery to order, R. G., 1856, s. 11.

168. Where by any such order as aforesaid it is ordered that no new burial ground shall be opened in any city or town or within any limits in such order mentioned, without the previous approval of the Local Government Board, no new burial ground or cemetery shall be provided and used in such city or town or within such limits without such previous approval.

No corpse to be buried in private grave without consent, R. G., 1856, s. 12.

169. Where by usage or otherwise any grave, vault, or place of interment in any burial ground or cemetery has been the burying place of and used as such by any family, no corpse of any person not having been a member of such family shall be buried in such grave, vault, or place of interment without the consent in writing of some immediate relative of the member of such family last interred theron; and if any person shall knowingly act or assist in any burial contrary to the provisions of this section, every such person shall be liable, on summary conviction before a court of summary jurisdiction, to a penalty not exceeding *ten pounds*; and upon any complaint made under this section it shall be lawful for the court to make such order for the exhumation and re-interment of such corpse so buried as to such court shall seem fit.

No animal to be allowed to graze in burial places, R. G., 1856, s. 13.

170. No animal of any description shall be allowed to graze or to be within the limits of any burial ground having a sufficient fence; and it shall be lawful for a court of summary jurisdiction to order the owners of any animal or animals so found within such burial ground to pay as a fine a sum not exceeding *two shillings* and not less than *one shilling* for each animal so found as aforesaid, and to levy and dispose of said fine in the same manner as fines for trespass of cattle are now levied and disposed of under the provisions of the law at present in force in Ireland.

Upon requisition of rate-payers or members of burial board, meeting of board to be convened to determine whether burial

171. In any district in which no burial ground has been closed the clerk to the burial board shall, on the requisition in writing of ten or more persons assessed for the relief of the poor in such burial board district, or upon the requisition in writing of any two or more members of the burial board, convene a special meeting of the burial board for determining whether a burial ground shall be

provided under this Act for the burial board district or any part thereof; and if a majority of such meeting shall resolve that a burial ground shall be provided under this Act, such new burial ground shall be provided, in the same manner as if an old burial ground had been closed as herein-after directed.

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ground shall
be provided.
B. G., 1886,
s. 14.

172. Whenever any burial ground shall have been closed in any burial board district, by order, the burial board may, if it shall seem necessary or expedient, forthwith proceed to provide a suitable and convenient burial ground in place thereof, and to make arrangements for facilitating interments therein, under the provisions of this Act.

When burial grounds are closed by order, board to provide suitable burial grounds, &c.
B. G., 1886,
s. 15.

173. A burial ground may be provided under this Act, either within or without the limits of the burial board district, and such burial ground shall, for the purposes of this Act, be considered as if the same was within such limits; but no ground not already used as or appropriated for a cemetery shall be appropriated as a burial ground, or as an addition to a burial ground, under this Act, nearer than one hundred yards to any dwelling-house, without the consent in writing of the owner, lessee, and occupier of such dwelling-house.

Consent of owners of houses to new burial grounds, where necessary.
B. G., 1886,
s. 16.

174. It shall be lawful for the burial board to contract for and purchase or take any lands, and buildings thereon, for the purpose of forming a burial ground, or for making additions to any burial ground formed or purchased under the Burial Grounds Acts or this Act, as such board may think fit, or to purchase from any company or persons entitled thereto any cemetery or cemeteries or part or parts thereof, subject to the rights in vaults and graves and other subsisting rights which may have been previously granted therein: Provided always, that it shall be lawful for such board, in lieu of providing any such burial ground, to contract with any such company or persons entitled as aforesaid for the interment in such cemetery or cemeteries, and either in any allotted part of such cemetery or cemeteries or otherwise, and upon such terms as the burial board may think fit, of the bodies of persons who would have had rights of interment in the burial grounds of such district or place.

Board may purchase land for cemeteries, or contract with cemetery companies.
B. G., 1886,
s. 17.

175. Where any burial ground is closed under the provisions of the Burial Grounds Acts or this Act, and a new burial ground provided in place thereof, the whole burthen upon and liabilities attaching to the burial ground so closed shall be transferred to and become burthens upon the burial ground provided in place thereof, and the revenues of the new burial ground shall be liable for the same in like manner as the revenues of the burial ground so closed were liable.

Liabilities of old burial grounds transferred to new burial grounds.
B. G., 1886,
s. 18.

A.D. 1877. **176.** The general management, regulation, and control of the burial grounds provided under the Burial Grounds Acts or this Act shall, subject to the provisions of this Act and the regulations to be made thereunder, be vested in and exercised by the respective burial boards providing the same: Provided always, that any question which shall arise touching the fitness of any monumental inscription placed or proposed to be placed in any part or portion of such grounds shall be determined by the proper ministers of the religious denomination to which such part or portion shall have been allotted: Provided also, that at the burials of the bodies of 10 members of any church or religious denomination, burial service according to the respective rites of such church or denomination may be performed or celebrated by the proper ministers of such church or denomination.

Management
to be vested
in burial
boards.
B. G., 1856,
s. 20.

177. Any burial board, under such restrictions and conditions as they think proper, may sell the exclusive right of burial, either in perpetuity or for a limited period, in such parts of any burial ground provided by such board as may be appropriated to that purpose, and also the right of constructing any chapel, vault, or place of burial, with the exclusive right of burial therein, in perpetuity or for a limited period, and also the right of erecting and placing any monument, gravestone, tablet, or monumental inscription in such burial ground, subject to the provisions herein-before contained: Provided always, that such exclusive rights shall not extend in all to a space of one half of such burial ground.

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Boards may
sell exclusive
rights of
burial, and
rights to
erect monu-
ments, &c.
B. G., 1856,
s. 21.

178. Any burial board may make such arrangements as they may from time to time think fit for regulating and facilitating the conveyance of the bodies of the dead from the place of death to any burial ground subject to the provisions of this Act and subject thereto and to the regulations to be made thereunder; and it shall be lawful for any of the aforesaid cemetery companies from whom the burial board shall have made any such purchase, or with whom the burial board shall have made any such contract as herein-before provided, to undertake any such arrangement, and to carry the same into effect subject to the provisions and regulations aforesaid.

179. It shall be lawful for any burial board, subject to the provisions of this Act and the regulations to be made thereunder, to hire, take, or lease, or otherwise to provide, fit and proper places in which bodies may be received and taken care of previously to interment, and to make arrangements for the reception and care of the bodies to be deposited therein; and for providing such places such boards may exercise all the powers vested in them under this Act for providing burial grounds.

Places may
be provided
for reception
of bodies
until inter-
ment.
B. G., 1856,
s. 23.

180. It shall be lawful for the Local Government Board from time to time to make such rules and regulations in relation to the burial grounds and places of reception of bodies previous to interment under this Act as may seem proper for the protection of the public health and the maintenance of public decency, and for the proper registry of interments, and to provide for the imposition and recovery of penalties not exceeding ten pounds for each offence, for the breach or non-observance of such regulations; and the burial boards, and all other persons having the care of such burial grounds and places for the reception of bodies, shall conform to and obey such regulations.

181. No funeral procession, or carriage in such procession, and no foot passenger, shall, while going to or returning from the place of interment on the occasion of any interment, be liable to any toll or pontage.

182. It shall be lawful for any burial board to enclose, lay out, and embellish any burial ground subject to the jurisdiction of such board, in such manner as may be fitting or proper: Provided always, that in all cases in which a burial board shall provide a new burial ground under this Act, it shall be lawful for such burial board, with the sanction of the Local Government Board, to divide such new burial ground or some part thereof into certain parts and proportions, to be allotted in such manner as to the Local Government Board shall seem fit, for the burial of the members of any particular religious denomination; and each such allotment shall, as the case may require, be consecrated according to the rites and by the proper ministers of the respective religious denominations for which each such allotment is so set apart.

183. It shall be lawful for any burial board to contract for and purchase any lands, and buildings thereon, for the purpose of making additions to any burial ground, although such burial ground shall not have been formed or purchased under the authority of this Act or any other Act of Parliament, provided that such burial ground is not attached or contiguous to any church or chapel or place of worship actually used for divine worship, nor is situate in a private demesne; and such burial board shall have and may exercise, with respect to the acquisition and management of such additions, all the powers and authorities and be subject to all the provisions contained in this Act with respect to the acquisition and management of new burial grounds.

184. When any burial ground not being attached or contiguous to any such church, chapel, or place of worship, nor situate as

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Local Government Board may make regulations as to burial grounds, &c. B. G., 1856, s. 24.

Exemption of burial from toll. B. G., 1856, s. 25.

Board may lay out and embellish burial ground. B. G., 1856, s. 26.

Provisions of Act extended to additions to existing burial grounds. B. G., 1860, s. 1.

When burial ground not situated or

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kept in decent order by owner, burial board may serve a notice requiring the same to be fenced, &c.
B. G., 1860,
s. 2.

aforesaid, is without any sufficient fence, or is not kept in decent order, the burial board for the district within which such burial ground shall be situated may, by notice in writing to the owner of such burial ground, require him properly to fence the same or put the same in decent order within a time to be specified in such notice, not being less than *six calendar months*, and if such notice be not complied with within the time specified in such notice, the said burial board may securely fence such burial ground, and put the same into decent order, and the expense thereof shall be deemed part of the expenses incurred by the burial board in the execution of this Act. And whenever it shall be necessary for obtaining convenient access for the purposes aforesaid, the said owner, or the burial board, and all persons authorised by them, may for the purpose of such access enter upon any lands adjoining the burial ground, doing no unnecessary damage, and any person injured by such entry shall be compensated in the manner provided by this Act in that behalf: Provided always, that if any dispute shall arise between the burial board and the owners as to the necessity of such notice, or the sufficiency of his compliance with the same, or upon any ground connected with the work so required to be done, such dispute shall be referred to the Local Government Board, whose decision shall be final.

After six months from service of notice, &c. burial board empowered to fence burial ground, and keep the same in order, and take the management. B. G., 1860,
s. 3.

185. When such owner cannot be ascertained, or notice as aforesaid cannot be served, such burial board may give notice, by public advertisement in some newspaper circulating in the county wherein such burial ground is situated, of their intention to fence such burial ground, or put the same in decent order, as the case may be, and after the expiration of a time to be specified in such notice, not being less than *six calendar months*, may proceed to fence such burial ground, or put the same in decent order; and when such notice shall have been given or advertisement published and the expense of fencing of such burial ground or putting the same in decent order shall have been defrayed by such burial board, as herein-before mentioned, such burial ground shall be under the control and management of such burial board, and they shall be deemed the owners thereof until such time as they shall have been reimbursed by the owner thereof the expense so incurred by them, with interest thereon at the rate of *five pounds per centum per annum*.

Burial boards may accept the management of burial grounds.

186. When the owner of any burial ground shall be desirous of putting the same under the management of the burial board of the district, it shall be lawful for such burial board to accept the management thereof, and thereupon the said burial board shall be

deemed the owners thereof, and shall have and exercise all the powers and authorities of this Act, with respect to the same, until the owner, his heirs or assigns, shall repay to the said burial board all expenses incurred by them in securely fencing such burial ground or putting the same into decent order, with interest thereon at the rate of five pounds per centum per annum.

187. Every burial board under this Act may, subject to the approval of the Local Government Board, fix and receive such fees and payments in respect of interments in any burial ground provided by such board as they shall think fit, and from time to time revise and alter such fees and payments; and a table showing such fees and payments shall be printed and published, and shall be affixed and at all times continued on some conspicuous part of such burial ground.

188. Minutes of all proceedings of the burial board under this Act, with the names of the members who attend each meeting, shall be kept; and the burial board shall provide and keep books in which shall be entered true and regular accounts of all sums of money received and paid by such board for or on account of the purposes of this Act, and of all liabilities incurred by them for such purposes, and of the several purposes for which such sums of money are paid and such liabilities incurred; and all such books shall at all reasonable times be open to the examination of every member of the burial board and of every person liable to pay poor rates in respect of property within the district, without fee, who may take copies of or extracts from such books, or any part thereof, without paying for the same.

189. A burial board may appoint and may remove at pleasure a clerk and such other officers and servants as shall be necessary for the business of the board in respect of or for the purposes of their burial ground, and may appoint reasonable salaries, wages, and allowances for such clerk, officers, and servants, and, when necessary, may hire a sufficient office for transacting the business of such burial board; and the provisions and clauses of "The Commissioners' Clauses Act, 1847," with respect to the "appointment and accountability of the officers of the commissioners," shall, so far as the same are not varied by or inconsistent with the provisions of this Act, be incorporated therewith; and the commissioners in the said Act shall signify the "burial board" under this Act.

190. All burials within any burial ground provided under this Act shall be registered in a register book to be provided by the burial board providing such ground, and kept for that purpose; and such register book shall be so kept by some officer appointed

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by burial
board.
B. G., 1856,
s. 36.

by the said board to do that duty ; and in such register book shall be distinguished in what parts of the burial ground the several bodies (the burials of which are entered in such register book) are buried ; and such register book, or copies or extracts therefrom, or any document purporting to be a copy or extract thereof, shall be received in all courts as evidence of the burials entered therein. The clerk or secretary, or registrar to every burial board and cemetery company shall make or cause to be made, at such times and in such manner as the Local Government Board may direct, a return of the names, addresses, dates of death and causes of death, so far as ascertained by him, of the persons whose bodies have been interred in such burial ground to the registrar of the district in which the burial ground is situated.

Guardians or
council may
appropriate
lands for
purposes of
Act.
B. G., 1856,
s. 35.

191. Subject to the provisions of this Act, it shall be lawful for the guardians of any union or the council of any borough to appropriate for the purposes of burial grounds under this Act any land belonging to the board of guardians of such union or to the body corporate of such borough respectively, or vested in any trustees, or others for the general benefit of the union or borough respectively, or any specific charity : Provided always, that when any land so appropriated shall be subject to any charitable use such land shall be taken on such conditions only as the Court of Chancery, in the exercise of its jurisdiction over charitable trusts, shall appoint and direct.

Certain pro-
visions of
16 & 11 Vict.
c. 65. incor-
porated with
this Act.
B. G., 1856,
s. 35.

Assessment
to local rates
not to be in-
creased after
purchase for
the purposes
of this or any
former Act.
B. G., 1856,
s. 35.

Burial board
may let land
not required
for burials.
B. G., 1856,
s. 35.

192. The provisions of "The Cemeteries Clauses Act, 1847," with respect to the protection of the cemetery, shall be incorporated with this Act, and be applicable to any burial ground under this Act ; and the words "the Company" in "The Cemeteries Clauses Act, 1847," shall signify the "burial board" under this Act.

193. No land already or hereafter to be purchased or acquired under the provisions of this Act, for the purpose of a burial ground (with or without any building erected or to be erected thereon), shall, while used for such purposes, be assessed to any grand jury cess, poor's rates, or other local rates, at a higher value or more improved rent than the value or rent at which the same was assessed at the time of such purchase or acquisition.

194. It shall be lawful for any burial board, with the sanction of the Local Government Board, and subject to regulations approved of by the said board, to let any land purchased by and vested in them under this Act, and which has not been consecrated, and in which no body has been at any time interred, and which is not for the time being required for the purposes of a burial ground, in such manner and on such terms as such board may see fit, but so,

nevertheless, that power shall be reserved to such board to resume any such land which may be required for the purposes aforesaid, upon giving six months notice.

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195. In every case in which any order has been or shall hereafter be issued for the discontinuance of burials in any churchyard or burial ground not vested in any other person or persons, the burial board shall maintain such churchyard or burial ground in decent order, and also do the necessary repair of the walls and other fences thereof; and any costs and expenses incurred in so doing shall be deemed to be expenses of the burial board, and shall be defrayed accordingly, unless there shall be some other fund legally chargeable with such costs and expenses.

196. Whereas the grand juries of the county and city of Waterford, acting under the Act of the fortieth year of King George the Third, chapter ninety-three, purchased a piece of ground situate in the townland of Ballynasheagh, in the barony of Gaultier in the county of Waterford, for the purpose of a cemetery, in lieu of the ancient burial places of the six several parishes of Trinity Within, Saint Michael, Saint Stephen Within, Saint Olave, Saint John Within, and Saint Patrick, in the Borough of Waterford, and of the three parishes of Trinity Without, Saint John Without, and Saint Stephen Without, partly in the borough and partly in the county of Waterford, and of the two parishes of Kilbarry and Kil Saint Laurence in the county of Waterford: And whereas the said eleven parishes are all situate within the Poor Law Union of Waterford, and it has been provided by statute that the said piece of ground should be used as a burial ground for all the said parishes as if all the said parishes were situate within the limits of the said borough of Waterford, and as if the said piece of ground had been provided as the burial ground under the Burial Grounds Acts for the said several parishes; and that the said piece of ground should, without further conveyance, be vested in the Guardians of the Poor of the Waterford Union as the burial board, and for the use of all the district at present comprised in the said eleven parishes, subject to all the powers and regulations contained relative to burial grounds, and as if the same had been purchased and acquired under the said Acts: Be it enacted that unless the said piece of ground shall be discontinued as a burial ground by the Local Government Board, under the provisions of this Act, all the said parishes and portions of parishes situate in the borough of Waterford shall, for the purposes of this part of this Act, be considered as if the same were without the limits of the said borough of Waterford.

Burial
ground
already pro-
vided by the
county and
city of
Waterford.
B. G., 1856,
s. 40.

Certain plot
of ground to
be deemed

197. Whereas the mayor, aldermen, and burgesses of the borough of Limerick have, with the consent and approbation of the

A.D. 1877. Commissioners of Her Majesty's Treasury, executed a lease of a certain plot of ground situate at Gortuananagh in the barony of Clanwilliam and county of Limerick (which plot of ground is part of the property of the said corporation of Limerick, but is not situate within the limits or boundaries of the borough of Limerick,) 5 unto certain parties for the term of two thousand years, at a certain yearly rent, for the purpose of the same being used as a cemetery or burial ground: Be it enacted, that for the purposes of this part of this Act the said plot of ground shall be deemed and taken to be within the limits or boundaries of the said borough 10 of Limerick.

*Not to apply
to private
mausoleums.*
B. G., 1856,
s. 41.

198. The provisions of this part of this Act shall not apply to any private and exclusive family mausoleum or burial place not being within the limits of any public burial ground.

15

PART IV.

GENERAL PROVISIONS.

CONTRACTS.

Power of
sanitary
authorities
to contract.
P. H. (E.),
s. 173.

Provisions as
to contracts
by sanitary
authority.
P. H. (E.),
s. 174.

199. Any sanitary authority may enter into any contracts necessary for carrying this Act into execution.

200. With respect to contracts made by a sanitary authority 20 under this Act, the following regulations shall be observed; (namely,)

- (1.) Every contract made by a sanitary authority wherof the value or amount exceeds fifty pounds shall be in writing and sealed with the common seal of such authority: 25
- (2.) Every such contract shall specify the work, materials, matters, or things to be furnished, had, or done, the price to be paid, and the time or times within which the contract is to be performed, and shall specify some pecuniary penalty to be paid in case the terms of the contract are not duly performed:
- (3.) Before contracting for the execution of any works under the provisions of this Act, a sanitary authority shall obtain from a competent person an estimate in writing, as well of the probable expense of executing the work in a substantial 35 manner as of the annual expense of repairing the same; also a report as to the most advantageous mode of contracting, that is to say, whether by contracting only for the execution of the work, or for executing and also maintaining the same in repair during a term of years or otherwise: 40
- (4.) Before any contract of the value or amount of one hundred pounds or upwards is entered into by a sanitary authority ten days public notice, by advertisement or otherwise, at

the least shall be given, expressing the nature and purpose thereof and inviting tenders for the execution of the same; and such authority shall require and take sufficient security for the due performance of the same:

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- 5 (5.) Every contract entered into by a sanitary authority in conformity with the provisions of this section, and duly executed by the other parties thereto, shall be binding on the authority by whom the same is executed and their successors and on all other parties thereto and their executors, administrators, successors, or assigns to all intents and purposes: Provided that a sanitary authority may compound with any contractor or other person in respect of any penalty incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty is mentioned in any such contract, or in any bond or otherwise, for such sums of money or other recompence as to such authority may seem proper.

PURCHASE OF LANDS.

201. Any sanitary authority may for the purposes and subject to the provisions of this Act purchase or take on lease, sell, or exchange any lands, whether situated within or without their district; they may also buy up any water-mill, dam, or weir which interferes with the proper drainage of or the supply of water to their district.

Power to purchase lands.

L.G., s. 4.
P.H. (E.),
s. 175.

- 25 Any lands acquired by a sanitary authority in pursuance of any powers in this Act contained and not required for the purpose for which they were acquired shall, except where otherwise expressly provided by this Act (unless the Local Government Board otherwise direct) be sold at the best price that can be gotten for the same, and the proceeds of such sale shall be applied towards the discharge of any principal moneys which have been borrowed by such authority on the security of the fund or rate applicable by them for the general purposes of this Act, or if no such principal moneys are outstanding shall be carried to the account of such fund or rate.

- A.D. 1877. (2.) The sanitary authority, before putting in force any of the powers of the said Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, shall
- Publish once at the least in each of three consecutive 5 weeks in the month of November, in some newspaper or newspapers circulating in their district, an advertisement describing shortly the purposes in respect of which the lands are proposed to be taken, naming a place where a plan of the proposed undertaking 10 may be seen at all reasonable hours, and stating the denominations and quantity of lands that they require; and shall further
- Serve a notice in the month of December on every owner or reputed owner, lessee or reputed lessee, 15 and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neutral in respect of the taking such lands:
- (3.) On compliance with the provisions of this section with 20 respect to advertisements and notices, and not sooner than fourteen days after the service of the last-mentioned notices, the sanitary authority may, if they think fit, present a petition under their seal to the Local Government Board. The petition shall state the lands intended to be 25 taken, and the purposes for which they are required, and the names of the owners, lessors, and occupiers of lands who have assented, dissented, or are neutral in respect of the taking such lands, or who have returned no answer to the notice; it shall pray that the sanitary authority 30 may, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Local Government Board requires : 35
- (4.) On the receipt of such petition, and on due proof of the proper advertisements having been published, and notices served, the Local Government Board shall take such petition into consideration, and may either dismiss the same, or direct a local inquiry as to the propriety of 40 assenting to the prayer of such petition; but until such inquiry has been made no provisional order shall be made

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affecting any lands without the consent of the owners, lessees, and occupiers thereof:

- (5.) After the completion of such inquiry the Local Government Board may, by provisional order, empower the sanitary authority to put in force, with reference to the lands referred to in such order, the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as the Board may think fit, and it shall be the duty of the sanitary authority to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served:

- 15 Provided that the notices by this section required to be given in P. H. (I.),
the months of November and December may be given in the ^{s. 30.}
months of September and October, or of October and November,
but in either of such last-mentioned cases an inquiry preliminary
to the provisional order to which such notices refer, shall not be
held until the expiration of one month from the last day of the
second of the two months in which the notices are given; and any
notices or orders by this section required to be served on a number
of persons having any right in, over, or on lands in common, may
be served on any three or more of such persons on behalf of all
25 such persons.

203. Any sanitary authority may, subject to the provisions of Power to let
this Act, with the consent of the Local Government Board, let for
lands,
any town any lands which they may possess, as and when they
P. H. (I.),
can conveniently spare the same. ^{s. 31.}
P. H. (E.)
^{s. 177.}

80 POWERS OF BOARD IN RELATION TO LOCAL ACTS, &c.

- 204.** The Local Government Board may, on the application of Power to
the sanitary authority of any district, by provisional order, wholly
repeal and alter local
or partially repeal, alter, or amend any Local Act, other than an
Act for the conservancy of rivers which is in force in any area com-
35 prising the whole or part of any such district, and not conferring
powers or privileges on any persons or person for their or his own
pecuniary benefit, which relates to the same subject matters as this
Act.

Any such provisional order may provide for the extension of the
40 provisions of the Local Act referred to therein beyond the district or

A.D. 1877. districts within the limits of such Act, or for the exclusion of the whole or a portion of any such district from the application of such Act; and may provide what sanitary authority shall have jurisdiction for the purposes of this Act in any area which is by such order included in or excluded from such district. 5

Transfer of powers of grand jury.
L.G.A., s. 5.

205. The Local Government Board may on the application of the urban sanitary authority of any urban district, by a provisional order transfer from the grand jury or grand juries of the county or counties within which such district is situate to such sanitary authority the jurisdiction, power, and authority with respect to roads, bridges, foot-paths, and public works within such district, vested in such grand jury or grand juries under any Act or Acts; and prevent such grand jury or grand juries, after such transfer, from making any presentment with regard to any road, bridge, footpath, or other public work within such district; and provide for the due payment 15 of the balance of the grand jury cess to which such district will then, in future, be liable; and authorise the making and levying of further rates in addition to and in excess of the maximum amount of rates authorised to be made and levied by the sanitary authority of such district to enable them to defray the expenses consequent 20 upon and incident to such transfer from the grand jury, when the maximum amount of rates authorised is insufficient to defray such expenses as aforesaid:

Provided that no such provisional order shall be granted unless a previous application has been made to the grand jury or 25 grand juries affected thereby, and unless such grand jury or grand juries shall consent to the making of such provisional order, such consent being testified by a presentment or presentments to that effect.

Powers of inspectors of Local Government Board.
P.H. (L.), s. 11.

206. Inspectors of the Local Government Board may attend any 30 meetings of sanitary authorities, or of committees of sanitary authorities, during the transaction of business arising under any of the provisions of this Act.

Power of Board to direct inquiries.
P.H. (E.), s. 283.

207. The Local Government Board may from time to time cause to be made such inquiries as are directed by this Act, and such 35 inquiries as they see fit in relation to any matters concerning the public health in any place, or any matters with respect to which their sanction, approval, or consent is required by this Act.

Orders as to cost of inquiries.
P.H. (E.), s. 294.

208. The Local Government Board may make orders as to the cost of inquiries or proceedings instituted by, or of appeals to the 40 said Board under this Act, and as to the parties by whom or the

rates out of which such costs shall be borne ; and every such order may be made a rule of one of the superior courts of law on the application of any person named therein.

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209. Where complaint is made to the Local Government Board that a sanitary authority has made default in providing their district with sufficient sewers, or in the maintenance of existing sewers, or in providing their district with a supply of water, in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply of water, and a proper supply can be got at a reasonable cost, or that a sanitary authority has made default in enforcing any provisions of this Act which it is their duty to enforce, the Local Government Board, if satisfied, after due inquiry, that such authority has been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint. If default is made to obey such order and to perform such duty by the time limited in the order, such order may, in the case of an urban authority, be enforced by writ of Mandamus, and in the case of a rural authority making such default as is last mentioned, such rural authority shall be deemed to have made default in the execution of their duties as a board of poor law guardians under the Poor Law Acts, and thereupon it shall be lawful for the Local Government Board to dissolve them as such board and to provide for the execution of their duties under the Poor Law Acts and this Act in manner prescribed by the Poor Law Acts in the case of the dissolution of boards of guardians of poor law unions.

Proceedings
on complaint
to Board of
default of
sanitary au-
thority.
S. A., 1866,
s. 48.

210. All orders made by the Local Government Board in pursuance of this Act shall be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as that Board may direct.

Orders of
Board under
this Act.
P. H. (E.),
s. 295.

211. Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board, have, in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those conferred upon Poor Law inspectors by the Poor Law Acts.

Powers of
Inspectors of
Local
Government
Board.
P. H. (E.),
s. 296.
P. H. (L),
s. 11.

PROVISIONAL ORDERS BY BOARD.

212. With respect to provisional orders authorised to be made by the Local Government Board under this Act, the following provisions shall apply :

As to provi-
sional orders
made by
Local Go-
vernment
Board.
P. H. (E.),
s. 297.

- (1.) The Local Government Board shall not make any provisional order under this Act unless public notice of the purport

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of the proposed order has been previously given by advertisement in two successive weeks in some newspaper or newspapers circulating in the district or districts to which such provisional order relates :

- (2.) Before making any such provisional order, the Local Government Board shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which public notice shall be given in manner 10th aforesaid, and at which all persons interested shall be permitted to attend and make objections :
- (3.) The Local Government Board may submit to Parliament for confirmation any provisional order made by it in pursuance of this Act, but any such order shall be of no force 15 whatever unless and until it is confirmed by Parliament :
- (4.) If while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the 20 petitioner shall be allowed to appear and oppose as in the case of private bills :
- (5.) Any Act confirming any provisional order made in pursuance of any of the Sanitary Acts or of this Act, and any Order in Council made in pursuance of any of the Sanitary Acts, 25 may be repealed, altered, or amended by any provisional order made by the Local Government Board and confirmed by Parliament :
- (6.) The Local Government Board may revoke, either wholly or partially, any provisional order made by them before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament :
- (7.) The making of a provisional order shall be prima facie evidence that all the requirements of this Act in respect 35 of proceedings required to be taken previously to the making of such provisional order have been complied with :
- (8.) Every Act confirming any such provisional order shall be deemed to be a public general Act. 40

Costs of
provisional
orders.
P. H. (E.),
s. 298.

213. The reasonable costs of any sanitary authority in respect of provisional orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the Local Government

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Board, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for purposes of this Act by the sanitary authority interested in or affected by such provisional orders, and such costs shall be paid accordingly; and if thought expedient by the Local Government Board, the sanitary authority may contract a loan for the purpose of defraying such costs.

ARBITRATION.

214. In case of dispute as to the amount of any compensation to be made under the provisions of this Act (except where the mode of determining the same is specially provided for), and in case of any matter which by this Act is authorised or directed to be settled by arbitration, then, unless both parties concur in the appointment of a single arbitrator, each party shall appoint an arbitrator to whom the matter shall be referred.

215. With respect to arbitrations under this Act, the following regulations shall be observed; (that is to say,) Regulations
as to arbitra-
tion.

- (1.) Every appointment of an arbitrator under this Act when made on behalf of the sanitary authority shall be under their common seal, and on behalf of any other party under his hand, or if such party be a corporation aggregate under their common seal: P. H. (E.),
s. 179.
- (2.) Every such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration by the parties making the same:
- (3.) After the making of any such appointment the same shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation:
- (4.) If for the space of fourteen days after any matter by this Act authorised or directed to be settled by arbitration has arisen and notice in writing by one party who has duly appointed an arbitrator has been given to the other party, stating the matter to be referred, and accompanied by a copy of such appointment, the party to whom notice is given fails to appoint an arbitrator, the arbitrator appointed by the party giving the notice shall be deemed to be appointed by and shall act on behalf of both parties;
- (5.) If before the determination of any matter so referred any arbitrator dies or refuses or becomes incapable to act, the party by whom such arbitrator was appointed may appoint in writing another person in his stead; and if such party fails so to do for the space of seven days after notice in

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writing from the other party in that behalf, the remaining arbitrator may proceed ex parte ; and every arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose stead the appointment is made : 5

- (6.) If a single arbitrator dies or becomes incapable to act before the making of his award, or fails to make his award within twenty-one days after his appointment, or within such extended time, if any, as may have been duly appointed by him for that purpose, the matters referred to him shall 10 be again referred to arbitration under the provisions of this Act, as if no former reference had been made :
- (7.) Where there is more than one arbitrator, the arbitrators shall, before they enter on the reference, appoint by writing under their hands an umpire, and if the person appointed 15 to be umpire dies or becomes incapable to act, the arbitrators shall forthwith appoint another person in his stead ; and if the arbitrators neglect or refuse to appoint an umpire for seven days after being requested so to do by any party to the arbitration, the Local Government Board 20 shall, on the application of any such party, appoint an umpire :
- (8.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been 25 duly appointed by them for that purpose, the matters referred shall be determined by the umpire :
- (9.) The time for making an award by arbitrators under this Act shall not in any case be extended beyond the period of two months from the date of the submission, and the time 30 for making an award by an umpire under this Act shall not in any case be extended beyond the period of two months from the date of the reference of the matters to him :
- (10.) Before any arbitrator or umpire enters on a reference under 35 this Act he shall make and subscribe the following declaration before a justice of the peace ; (that is to say,)

‘ I A.B. do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me 40 under the Public Health (Ireland) Act, 1877. ’

‘ A.B. ’

- (11.) Such declaration shall be annexed to the award when made; and any arbitrator or umpire who wilfully acts contrary to such declaration shall be guilty of a misdemeanour :
- (12.) Any arbitrator, arbitrators, or umpire appointed by virtue of this Act may require the production of such documents in the possession or power of either party as he or they or he may think necessary for determining the matters referred, and may examine the parties or their witnesses on oath :
- (13.) The costs of and consequent upon the reference shall be in the discretion of the arbitrator or arbitrators, or (in case the matters referred are determined by an umpire) of the umpire :
- (14.) Any submission to arbitration under the provisions of this Act may be made a rule of any of the superior courts, on the application of any party thereto :
- (15.) The award of arbitrators or of an umpire under this Act shall be final and binding on all parties to the reference.

216. All questions referable to arbitration under this Act may, when the amount in dispute is less than twenty pounds, be determined at the option of either party before a court of summary jurisdiction, but the court may, if it thinks fit, require that any work in respect of which the claim of the sanitary authority is made and the particulars of the claim be reported on to them by any competent surveyor, not being the surveyor of the sanitary authority ; and the court may determine the amount of costs incurred in that behalf, and by whom such costs or any part of them shall be paid.

Claims under
20*L*. may
be referred
to court of
summary
jurisdiction.
P. H. (E.),
s. 181.

BYELAWS.

217. All byelaws made by a sanitary authority under and for the purposes of this Act shall be under their common seal ; and any such bylaw may be altered or repealed by a subsequent bylaw made pursuant to the provisions of this Act : Provided that no byelaw made under this Act by a sanitary authority shall be of any effect if repugnant to the laws of Ireland or to the provisions of this Act.

Authentica-
tion and
alteration
of byelaws.
P. H. (E.),
s. 182.

218. Any sanitary authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of *five pounds* for each offence, and in the case of a continuing offence a further penalty not exceeding *forty shillings* for each day after written notice of the offence from the sanitary authority ; but all

Power
to impose
penalties on
breach of
byelaws.
P. H. (E.),
s. 183.

A.D. 1877. such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Nothing in the provisions of any Act incorporated herewith shall authorise the imposition or recovery under any byelaws made in pursuance of such provisions of any greater penalty than the 5 penalties in this section specified.

Confirmation
of byelaws.
P. H. (L.)
a. 33.
P. H. (E.)
a. 184.

219. Byelaws made by a sanitary authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper; 10 nor shall any such byelaws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulating within the district to which such byelaws relate, one month at least before the making of such application; and 15 Unless for one month at least before any such application a copy of the proposed byelaws has been kept at the office of the sanitary authority, and has been open during office hours thereto to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

The clerk of the sanitary authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A bylaw required to be confirmed by the Local Government 25 Board shall not require confirmation allowance or approval by any other authority.

Byelaws to
be printed,
&c.
P. H. (E.)
a. 186.

220. All byelaws made by a sanitary authority under this Act, or for purposes the same as or similar to those of this Act under any local Act, shall be printed and hung up in the office of such 30 authority; and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same.

Evidence of
byelaws.
P. H. (E.)
a. 186.

221. A copy of any byelaws made under this Act by a sanitary authority, signed and certified by the clerk of such authority to be 35 a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, and existence of such byelaws without further or other proof.

Byelaws
made under
s. 125. of
3 & 4 Vict.
a. 108. to be

222. Byelaws made by the council of any borough under the 40 provisions of section one hundred and twenty-five of the Act of session of the third and fourth years of Her present Majesty,

chapter one hundred and eight, for the prevention and suppression of certain nuisances, shall not be required to be sent to the Lord Lieutenant, nor shall they be subject to the disallowance in that section mentioned; but all the provisions of this Act relating to 5 byelaws shall apply to the byelaws so made as if they were made under this Act.

223. The provisions of this Act relating to byelaws shall not apply to any regulations which a sanitary authority is by this Act authorised to make; nevertheless, any sanitary authority may cause 10 any regulations made by them under this Act to be published in such manner as they see fit.

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submitted
to Local
Government
Board.
P. H. (E.),
s. 187.

As to regu-
lations of
sanitary
authority.
P. H. (E.),
s. 188.

PART V.

FINANCIAL.

EXPENSES OF URBAN AUTHORITY.

- 15 **224.** All expenses incurred or payable by an urban sanitary authority in the execution of this Act and not otherwise provided for shall be defrayed as follows; that is to say,
- (1.) In the case of the council of a borough, out of the borough fund or borough rate;
- 20 (2.) In the case of an urban sanitary authority being commissioners under any of the Acts specified in the first column of the table contained in section four of this Act, or under any Local Act, out of any rate leviable by them as such commissioners throughout the whole of their district;
- 25 Provided that where an urban sanitary authority had before the passing of this Act power to levy throughout the whole of its district a rate or rates for paving, sewerage, or other sanitary purposes, all expenses incurred by such authority in the performance of its duties under this Act shall be defrayed out of such rate or rates,
- 30 except where at the time of the passing of this Act any such expenses were chargeable upon the borough fund or borough rate, in which case such expenses shall continue so chargeable: Provided also, that if application be made to the Local Government Board whereby it shall be alleged that it would be inequitable or inconvenient in the district of any urban sanitary authority that the said expenses should be borne as last aforesaid, the said Board may, after inquiry, by order under seal alter the incidence of such charge in respect of the whole or such part of the expenditure referred to, as to them shall appear to be fair and equitable.
- 35 **225.** Any limit imposed on or in respect of any rate by any Act of Parliament shall not apply to any rate required to be levied

Expenses of
urban sanita-
ry autho-
rity.
P. H. (E.),
s. 12.

Statutable
limit of
rating.

A.D. 1877.

not to apply
to expenses
for sanitary
purposes.

Amendment
of s. 60 of
17 & 18 Vict.
c. 103.

for the purpose of defraying any expenses incurred by a sanitary authority for sanitary purposes.

226. Where in any town in which the Towns Improvement (Ireland) Act, 1854, is in force the provisions of that Act with respect to water have been adopted, the amount of any assessment under section sixty of the said Act may, notwithstanding the limitations in the said section contained, amount to but shall not exceed the rate of *two shillings* in the pound.

PRIVATE IMPROVEMENT EXPENSES.

Power to
make
private im-
provement
rates.
P. H. (E.),
s. 212.

227. Whenever an urban authority have incurred or become liable to any expenses which by this Act are or by such authority may be declared to be private improvement expenses, such authority may, if they think fit, make and levy on the occupier of the premises in respect of which the expenses have been incurred, in addition to all other rates, a rate or rates to be called private improvement rates, of such amount as will be sufficient to discharge such expenses, together with interest thereon at a rate not exceeding *five pounds* per centum per annum, in such period not exceeding *thirty years* as the urban authority may in each case determine.

Provided that whenever any premises in respect of which any private improvement rate is made become unoccupied before the expiration of the period for which the rate was made, or before the same is fully paid off, such rate shall become a charge on and be paid by the owner for the time being of the premises so long as the same continue to be unoccupied.

25

Properties
of private
improvement
rate may be
deducted
from rent.
P. H. (E.),
s. 214.

228. Where the occupier by whom any private improvement rate is paid holds the premises in respect of which the rate is made at a rent not less than the rackrent, he shall be entitled to deduct three fourths of the amount paid by him on account of such rate from the rent payable by him to his landlord, and if he hold at a rent less than the rackrent he shall be entitled to deduct from the rent so payable by him such proportion of three fourths of the rate as his rent bears to the rackrent; and if the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made, and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof.

Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

A.D. 1877.

- 229.** At any time before the expiration of the period for which any private improvement rate is made, the owner or occupier of the premises assessed thereto may redeem the same, by paying to the urban authority the expenses in respect of which the rate was made, or such part thereof as may not have been defrayed by sums already levied in respect of the same:

Redemption
of private
improvement
rates,
P. H. (E.),
s. 215.

- 10** Provided that money paid in redemption of any private improvement rate shall not be applied by the urban authority otherwise than in defraying expenses incurred by them in works of private improvement or in discharging the principal of any moneys borrowed by them to meet those expenses, whether by means of a sinking fund or otherwise.

EXPENSES OF RURAL AUTHORITY.

230. The expenses incurred by a rural sanitary authority in the execution of this Act shall be divided into general expenses and special expenses.

Expenses of
rural sanita-
ry autho-
rity.
P. H. (L.),
s. 18.

- 20** General expenses, other than those chargeable upon owners and occupiers under this Act, shall be the expenses of the establishment and officers of the sanitary authority, and all other expenses not determined by this Act or the order of the Local Government Board to be special expenses.

- 25** Special expenses shall be the expenses of the construction, maintenance, and cleansing of sewers in any contributory place within the district, the providing a supply of water to any such place, the providing, repairing, and cleansing public wells, the lighting where duly authorised, the charges or expenses arising out of or incidental to the possession of property transferred to the rural sanitary authority in trust for any district or contributory place, and all other expenses incurred or payable by the sanitary authority in or in respect of any contributory place within the district, and determined by the order of the Local Government Board to be special expenses.

When the rural sanitary authority makes any sewers or provides any water supply or executes any other work under this Act for the common benefit of any two or more contributory places within its district, it may apportion the expense of constructing any such work and of maintaining the same, in such proportions as it thinks just, between such contributory places; and any expense

A.D. 1872. so apportioned to any such contributory place shall be deemed to be special expenses legally incurred in respect of such contributory place.

Ten or more ratepayers, or any number of persons liable to be rated to one fifth part of the whole rate, of any contributory place, if aggrieved by any such apportionment, may send or deliver a memorial to the Local Government Board stating their grounds of complaint, and the said Board may, after due inquiry, make such order in the matter as to it may seem equitable, and the order so made shall be binding and conclusive upon all parties concerned. 10

General expenses shall be payable out of a common fund to be raised out of the poor rate of the electoral divisions or parts thereof in the district according to the rateable value of each electoral division or part thereof.

Special expenses shall be a separate charge on some contributory place or places. 15

The following areas situated in a rural sanitary district shall be contributory places for the purposes of this Act ; that is to say,

(1.) The dispensary district :

20

(2.) The electoral division :

(3.) The townland :

(4.) Such portions of any townland or townlands as may be determined by the Local Government Board :

Provided that the Local Government Board shall have power to determine on what area of charge being a contributory place, or consisting of contributory places, any special expenses shall be chargeable, whether incurred after the passing of this Act or still due in respect of works executed before the passing of this Act.

Mode of
raising con-
tributions in
rural san-
itary district.
P. H. (L.),
s. 14.

231. For the purpose of obtaining payment for special expenses from the several contributory places within its district the board of guardians, being the rural sanitary authority, shall levy the same as part of the poor rate by a special poundage rate to be added to the poor rate on such contributory places and to be collected therewith and recoverable in the same manner and with the same remedies by the collectors of the poor rate and lodged to the credit of the guardians with the treasurer of the union ; and the expenditure thereof shall be brought to account in such form and manner as the Local Government Board shall from time to time by any general order direct ; and if not otherwise directed by such general order, the sums levied by such special poundage and placed to the credit 40 of the board of guardians shall be applied by them in discharge of the special expenses incurred as aforesaid on account of such contributory places respectively ; and every person upon whom such

A.D. 1877.

special poundage rate shall be levied shall be entitled to make the same deduction from the rent which he may be liable to pay as he would be entitled to make if the same were levied for carrying into execution the laws for the relief of the destitute poor in Ireland; and the person from whom such deduction shall be made shall in like manner be entitled to deduct from any rent paid by him, such proportion of the amount so deducted from the rent paid to him as he would be entitled to deduct if the rate were made for the relief of the destitute poor.

10

EXPENSES OF BURIAL BOARD.

232. The expenses incurred by the rural sanitary authority of any district as the burial board of such district in the execution of Part III. of this Act, shall be charged on and paid out of the poor rates of the union, or of any electoral division, or of any townland or townlands situate therein, as the Local Government Board shall by order under seal in each case determine; and all moneys borrowed by the burial board of such district before or after the passing of this Act, and any interest thereon, shall be secured upon the rates aforesaid; and the expenses incurred by the urban sanitary authority of any urban sanitary district as a burial board in the execution of Part III. of this Act, or in paying any money borrowed by the burial board of such district before or after the passing of this Act, and any interest thereon shall be charged upon and paid out of a separate rate to be levied for such purpose within such district; and such urban sanitary authority shall have all such powers for making and levying such rate respectively, and all provisions shall be applicable in respect thereof, as in the case of any borough rate or improvement rate authorised to be made by such urban sanitary authority under the provisions of the respective Acts of Parliament under which such urban sanitary authority are constituted: Provided always, that such rates may be levied wholly or partly in the parishes within such district for which any new burial ground has been provided under the Burial Ground Acts or may be provided under this Act, if the Local Government Board has by any order in that behalf so directed or shall so direct.

Expenses of
burial
boards.
B. G., 1856,
s. 32.

EXPENSES OF JOINT BOARD.

233. Any expenses incurred by a joint board in pursuance of this Act, unless otherwise determined by the provisional order, shall be defrayed out of a common fund to be contributed by the component districts or contributory places in proportion to the ratesable value of the property in each district or contributory place, such value to be

Expenses
incurred by
joint board,
how to be
defrayed.
P. II. (L.),
s. 23.

[275.] L 4

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Payment of contributions to joint board.
P. H. (I.),
s. 24.

234. For the purpose of obtaining payment from component districts of the sums to be contributed by them the joint board shall issue its precept to the sanitary authority of each component district 5 stating the sum to be contributed by it and requiring such authority, within a time limited by the precept, to pay the sums therein mentioned to the joint board or to such person as the joint board may direct.

Any sum mentioned in a precept addressed by a joint board to a 10 sanitary authority as aforesaid shall be a debt due from it, and may be recovered accordingly; such contribution, in the case of a rural sanitary authority, being deemed to be general expenses.

For the purpose of obtaining payment from contributory places of the sums to be contributed by them, the joint board shall have the 15 same powers of issuing precepts and of recovering the amounts named therein as if such contributory places formed a rural sanitary district and the joint board were the sanitary authority thereof.

BORROWING POWERS.

Power to borrow on credit of rates.
P. H. (I.),
s. 40.
P. H. (E.),
s. 233.

235. Any sanitary authority may, with the sanction of the Local 20 Government Board, for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by them in the execution of the Sanitary Acts or of this Act, or for the purpose of discharging any loans contracted under the Sanitary Acts or this Act, borrow or re-borrow, and take up at interest, any sums of money 25 necessary for defraying any such costs, charges, and expenses, or for discharging any such loans as aforesaid.

An urban authority may borrow or re-borrow any such sums on the credit of any fund or all or any rates or rate out of which they are authorised to defray expenses incurred by them in the execution 30 of this Act, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund or rates or rate.

A rural authority may borrow or re-borrow any such sums, if 35 applied or intended to be applied to general expenses of such authority, on the credit of the common fund out of which such expenses are payable, and if applied or intended to be applied to special expenses of such authority, on the credit of any rate or rates out of which such expenses are payable, and for the purpose of 40 securing the repayment of any sums so borrowed, with interest

thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund rate or rates.

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- 236.** The exercise of the powers of borrowing conferred by this Act shall be subject to the following regulations; (namely,) Regulations
as to exer-
cise of
borrowing
powers.
P. H. (1.),
s. 45.
P. H. (2.),
s. 234.
- 5 (1.) Money shall not be borrowed except for permanent works, (including under this expression any works of which the cost ought in the opinion of the Local Government Board to be spread over a term of years):
- 10 (2.) The sum borrowed shall not at any time exceed, with the balances of all the outstanding loans contracted by the sanitary authority under the Sanitary Acts and this Act, in the whole twice the net annual value of the premises assessable within the district in respect of which such money may be borrowed:
- 15 (3.) Where the sum proposed to be borrowed with such balances (if any) would exceed the assessable value for one year of such premises, the Local Government Board shall not give their sanction to such loan until one of their inspectors has held a local inquiry and reported to the said Board:
- 20 (4.) The money may be borrowed for such time, not exceeding sixty years, as the sanitary authority, with the sanction of the Local Government Board, determine in each case; and, subject as aforesaid, the sanitary authority shall either pay off the moneys so borrowed by equal annual instalments of principal or of principal and interest, or they shall in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of Exchequer bills or other Government securities, such sum as will with accumulations in the way of compound interest be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned:
- 25 (5.) A sanitary authority may at any time apply the whole or any part of a sinking fund set apart under this Act in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into the fund in each year and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied:
- 30 (6.) Where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so
- [275.]

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borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned, unless with the sanction of the Local Government Board, and shall in no case be extended beyond the period of sixty years from the date of the original loan. 6

Where any urban authority borrow any money for the purpose of defraying private improvement expenses, or expenses in respect of which they have determined a part only of the district to be liable, it shall be the duty of such authority, as between the ratepayers of the district, to make good, so far as they can, the 10 money so borrowed, as occasion requires, either out of private improvement rates, or out of a rate levied in such part of the district as aforesaid.

237. Where any sanitary authority are possessed of any land, works, or other property for the purposes of disposal of sewage pursuant to this Act, they may borrow any moneys on the credit of such lands, works, or other property, and may mortgage such lands, works, or other property to any person advancing such moneys, in the same manner in all respects as if they were the absolute owner, both at law and in equity, of the lands, works, or other property 20 so mortgaged. The moneys so borrowed shall be applied for purposes for which moneys may be borrowed under this Act; but it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for any misapplication thereof. 25

The powers of borrowing conferred by this section shall, where the sums borrowed do not exceed three fourths of the purchase money of such lands (but not otherwise), be deemed to be distinct from and in addition to the general borrowing powers conferred on a sanitary authority by this Act. Any sanitary authority may 30 pay out of any rates payable by them for purposes of this Act any instalments of principal and the interest on any moneys borrowed by such authority in pursuance of this section.

238. Every mortgage authorised to be made under this Act shall be by deed, truly stating the date, consideration, and the time 35 and place of payment, and shall be sealed with the common seal of the sanitary authority, and may be made according to the form contained in the schedule (B.) to this Act, or to the like effect.

239. There shall be kept at the office of the sanitary authority a register of the mortgages on each rate, and within fourteen days 40 after the date of any mortgage an entry shall be made in the register of the number and date thereof, and of the names and

Power to
borrow on
credit of
sewage land
and plant.
P. H. (L.),
s. 41.
P. H. (E.),
s. 236.

Form of
mortgage.
P. H. (L.),
s. 40.
P. H. (E.),
s. 236.

Register of
mortgages.
P. H. (L.),
s. 40.
P. H. (E.),
s. 237.

description of the parties thereto, as stated in the deed. Every such register shall be open to public inspection during office hours at the said office, without fee or reward; and any clerk or other person having the custody of the same, refusing to allow such inspection, 5 shall be liable to a penalty not exceeding *five pounds*. A.D. 1877.

240. Any mortgagee or other person entitled to any mortgage under this Act may transfer his estate and interest therein to any other person by deed duly stamped, truly stating its date and the consideration for the transfer; and such transfers may be according 10 to the form contained in the schedule (B.) to this Act, or to the like effect.

There shall be kept at the office of the sanitary authority a register of the transfers of mortgage charged on each rate, and within thirty days after the date of such deed of transfer, if executed 15 within the United Kingdom, or within thirty days after its arrival in the United Kingdom, if executed elsewhere, the same shall be produced to the clerk of the sanitary authority, who shall, on payment of a sum not exceeding *five shillings*, cause an entry to be made in such register of its date, and of the names and description 20 of the parties thereto, as stated in the transfer; and until such entry is made the sanitary authority shall not be in any manner responsible to the transferee.

On the registration of any transfer the transferee, his executors or administrators shall be entitled to the full benefit of the original 25 mortgage and the principal and interest secured thereby; and any transferee may in like manner transfer his estate and interest in any such mortgage; and no person except the last transferee, his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

30 If the clerk of the sanitary authority wilfully neglects or refuses to make in the register any entry by this section required to be made, he shall be liable to a penalty not exceeding *twenty pounds*.

241. If at the expiration of *six months* from the time when any principal money or interest has become due on any mortgage of rates made under this Act, and after demand in writing, the same 35 is not paid, the mortgagee or other person entitled thereto may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to a court of summary jurisdiction; and such court may, after hearing the parties, appoint in writing under 40 their hands and seals some person to collect and receive the whole or a competent part of the rates liable to the payment of the principal Receiver may be appointed in certain cases. P. H. (E.), s. 239.

A.D. 1877. or interest in respect of which the application is made, until such principal or interest, or both, as the case may be, together with the costs of the application and of collection, are fully paid.

On such appointment being made all such rates, or such competent part thereof as aforesaid, shall be paid to the person appointed, and when so paid shall be so much money received by or to the use of the mortgagee or mortgagees of such rates, and shall be rateably apportioned between them:

Provided that no such application shall be entertained unless the sum or sums due and owing to the applicant amount to one thousand pounds, or unless a joint application is made by two or more mortgagees or other persons to whom there may be due, after such lapse of time and demand as last aforesaid, monies collectively amounting to that sum.

Rentcharge
may be
granted in
respect of
advances
made for
private im-
provements.
P. H. (E.),
s. 240.

242. Where any person has advanced money for any expenses which by this Act are, or by the sanitary authority may be declared to be private improvement expenses, the sanitary authority, on being satisfied by the report of a competent person or otherwise that the money advanced by such person has been duly expended, may issue a grant in the form in the schedule (B.) to this Act to such person of a yearly rentcharge issuable out of the premises, in respect whereof such advance has been made, or out of such part thereof, to be specified in such grant, as the sanitary authority may think proper and sufficient.

Such rentcharge shall be personal estate, and shall begin to accrue from the day of completion of the works on which the money advanced has been expended, and shall be payable by equal half-yearly payments during a term not exceeding thirty years, in such manner that the whole of the sum advanced, with the costs of preparing the said grant, together with interest thereon respectively, at a rate not exceeding six pounds per centum per annum on the sum from time to time remaining unpaid, shall be repaid at the end of the said term.

The provisions of this Act with respect to deduction from the rent of a proportion of private improvement rates, and with respect to redemption of private improvement rates, shall, mutatis mutandis, apply to rentcharges granted under this section.

Rentcharges
may be
registered.
P. H. (E.),
s. 241.

243. Rentcharges issued in pursuance of this Act, and transfers therof, shall be registered in the same manner respectively as mortgages and transfers are required to be registered under the provisions of this Act.

244. The Commissioners of Public Works in Ireland may, with the consent of the Commissioners of Her Majesty's Treasury, on the application of any sanitary authority and on the recommendation of the Local Government Board, make any loan to such authority in pursuance of any powers of borrowing conferred by this Act, whether for works already executed or yet to be executed, on the security of any fund or rate applicable to any of the purposes of this Act, and without requiring any further or other security, such loan to be repaid within a period not exceeding fifty years, and to bear interest at the rate of *three and a half per centum* per annum, or such other rate as may, in the judgment of the Commissioners of Her Majesty's Treasury, be necessary, in order to enable the loan to be made without loss to the Exchequer:

Provided that in determining the time when a loan under this section shall be repayable, the Commissioners of Public Works in Ireland shall have regard to the probable duration and continuing utility of the works in respect of which the same is required.

In the case of a loan made before the passing of the Public Health (Ireland) Act, 1874, to any sanitary authority in pursuance of any powers conferred by the Sanitary Acts, the Commissioners of Public Works in Ireland may reduce the interest payable thereon to a rate of not less than *three and a half per centum* per annum.

245. Joint boards under this Act, and any joint sewerage board constituted under any of the Sanitary Acts and existing at the time of the passing of this Act shall, for the purposes of their constitution, have like powers of borrowing on the credit of any fund or rate applicable by them to purposes of this Act or on the credit of sewage land and plant as are by this Act conferred on sanitary authorities, and in the exercise of those powers shall be subject to the like restrictions; and the Commissioners of Public Works in Ireland may make any loan to any of the above-mentioned authorities which they may make to a sanitary authority under this Act.

AUDIT OF ACCOUNTS.

246. The accounts of every sanitary authority shall be made up in such form and to such day or days in every year as may be appointed by the Local Government Board in each case. The accounts of a sanitary authority shall be audited by such auditor of the accounts relating to the relief of the poor as the Local Government Board shall appoint for the purpose. An auditor shall, with

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*Power of
Commiss-
ioners of
Public Works
to lend to
sanitary
authority on
recommendation
of Local
Government
Board.*

P. H. (E.),
s. 243.
P. H. (I.),
s. 43.

*Borrowing
powers of
joint boards
and certain
other auth-
orities.*

P. H. (I.),
s. 23.
P. H. (E.),
s. 244.

*Audit of
accounts.*

P. H. (I.),
s. 49.

A.D. 1877. respect to the accounts of sanitary authorities under this section, have the like powers, and be subject to the like obligations in every respect, as in case of the audit under the Local Government (Ireland) Act, 1871, as amended by the Local Government Board (Ireland) Act, 1872, and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit.

PART VI.

LEGAL PROCEEDINGS.

PROSECUTION OF OFFENCES AND RECOVERY OF PENALTIES, &c. 10

Summary proceedings for offences, penalties, &c.
P. H. (E.),
s. 251.

247. All Offences under this Act, and all penalties, forfeitures, costs, and expenses under this Act directed to be recovered in a summary manner, or the recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction. 15 The court of summary jurisdiction, when hearing and determining an information or complaint under this Act, shall be constituted of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer for the time being empowered by law to do alone any act 20 authorised to be done by more than one justice of the peace sitting at some court or other place appointed for the administration of justice.

General provisions as to summary proceedings.
P. II. (E.),
s. 252.

248. Any complaint or information made or laid in pursuance of this Act shall be made or laid within six months from the time when 25 the matter of such complaint or information respectively arose.

The description of any offence under this Act in the words of this Act shall be sufficient in law.

Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence 30 in this Act, may be proved by the defendant, but need not be specified or negatived in the information; and, if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

Restriction on recovery of penalties.
P. H. (E.),
s. 253.

249. Proceedings for the recovery of any penalty under this Act 35 shall not, except as in this Act is expressly provided, be had or taken by any person other than by a party aggrieved, or by the sanitary authority of the district in which the offence is committed, without the consent in writing of the Attorney General for Ireland:

Provided that such consent shall not be required to proceedings which are by the provisions of this Act relating to nuisances or offensive trades authorised to be taken by a sanitary authority in respect of any act or default committed or taking place without their district, or in respect of any house, building, manufactory, or place situated without their district.

250. Where the application of a penalty under this Act is not otherwise provided for, one half thereof shall go to the informer, and the remainder to the sanitary authority of the district in which the offence was committed: Provided, that if the sanitary authority is the informer they shall be entitled to the whole of the penalty recovered; and all penalties or sums recovered by them on account of any penalty shall be paid over to their treasurer, and shall by him be carried to the account of the fund applicable by such authority to the general purposes of this Act.

251. Where any nuisance under this Act appears to be wholly or partially caused by the acts or defaults of two or more persons, it shall be lawful for the sanitary authority or other complainant to institute proceedings against any one of such persons, or to include all or any two or more of such persons in one proceeding; and any one or more of such persons may be ordered to abate such nuisance, so far as the same appears to the court having cognizance of the case to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which, in the opinion of such court, contribute to such nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance; and the costs may be distributed as to such court may appear fair and reasonable.

30 Proceedings against several persons included in one complaint shall not abate by reason of the death of any among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included.

Whenever in any proceeding under the provisions of this Act relating to nuisances, whether written or otherwise, it becomes necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises, without name or further description.

40 Nothing in this section shall prevent persons proceeded against from recovering contribution in any case in which they would now be entitled to contribution by law.

Applications
of penalties.
P. H. (E.),
s. 254.

Proceedings
in certain
cases against
nuisances.
N.R., 1855,
ss. 33, 34,
39.
P. H. (E.),
s. 255.

A.D. 1877.

Summary
proceedings
for recovery
of rates.
P.H. (E.),
s. 236.

252. If any person assessed to any rate made under this Act by any urban authority fails to pay the same when due and for the space of fourteen days after the same has been lawfully demanded in writing, or if any person quits or is about to quit any premises without payment of any such rate then due from him in respect of such premises, and refuses to pay the same after lawful demand thereof in writing, any justice may summon the defaulter to appear before a court of summary jurisdiction to show cause why the rate in arrear should not be paid; and if the defaulter fails to appear, or if no sufficient cause for nonpayment is shown, the court may make an order for payment of the same, and, in default of compliance with such order, may by warrant cause the same to be levied by distress of the goods and chattels of the defaulter.

The costs of the levy of arrears of any rate may be included in the warrant for such levy.

Recovery of
expenses by
sanitary
authority
from owners.
P. H. (E.),
s. 257.

253. Where any sanitary authority have incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable under this Act or by any agreement with the sanitary authority, such expenses may be recovered, together with interest at a rate not exceeding *five pounds per centum per annum*, from the date of service of a demand for the same till payment thereof, from any person who is the owner of such premises when the works are completed for which such expenses have been incurred, and until recovery of such expenses and interest the same shall be a charge on the premises in respect of which they were incurred. In all summary proceedings by a sanitary authority for the recovery of expenses incurred by them in works of private improvement, the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand.

Where such expenses have been settled and apportioned by the sanitary authority as payable by such owner, such apportionment shall be binding and conclusive on such owner, unless within *three months* from service of notice on him by the sanitary authority, of the amount settled to be due from such owner, he shall by written notice dispute the same.

The sanitary authority may, by order, declare any such expenses to be payable by annual instalments within a period not exceeding *thirty years*, with interest at a rate not exceeding *five pounds per centum per annum*, until the whole amount is paid; and any such instalments and interest, or any part thereof, may be recovered in a summary manner from the owner or occupier for the time

being of such premises, and may be deducted from the rent of such premises, in the same proportions as are allowed in the case of private improvement rates under this Act. A.D. 1877.

254. No justice of the peace shall be deemed incapable of acting in cases arising under this Act by reason of his being a member of any sanitary authority, or by reason of his being as one of several ratepayers, or as one of any other class of persons liable in common with the others to contribute to, or to be benefited by any rate or fund out of which any expenses incurred by such authority are 10 under this Act to be defrayed.

Justices may act though members of sanitary authority or liable to contribute.
P. H. (E.),
s. 255.

255. Any sanitary authority may appear before any court, or in any legal proceeding by their clerk, or by any officer or member authorised generally or in respect of any special proceeding by resolution of such authority, and their clerk, or any officer or member so authorised, shall be at liberty to institute and carry on any proceeding which the sanitary authority is authorised to institute and carry on under this Act.

Appearance of sanitary authorities in legal proceedings.
S. A., 1898,
s. 45.
P. H. (E.),
s. 259.

256. Every officer of a sanitary authority shall attend and assist in any prosecution instituted by such authority on receipt of an order from such authority so to attend : Provided always, that if a medical officer of the sanitary authority shall so attend and assist, he shall be entitled to remuneration from the sanitary authority at such rate as the Local Government Board shall approve, unless it shall have been agreed that the duty of affording such attendance and assistance shall be included in his salary, or that his whole time shall be occupied in the discharge of the duties of his office ; and such payment shall be deemed to be expenses incurred by the sanitary authority under this Act, and may be recovered as part of the costs of the prosecution.

Sanitary officers to attend and assist at prosecution by sanitary authority.

257. In any proceeding instituted by or against a sanitary authority under this Act it shall not be necessary for the plaintiff to prove the corporate name of the sanitary authority, or the constitution or limits of their district : Provided that this section shall not abridge or prejudice the right of any defendant to take or avail himself of if 35 any objection which he might have taken or availed himself of if this Act had not been passed.

Names of sanitary authority need not be proved.
P. H. (E.),
s. 260.

258. Proceedings for the recovery of demands within the jurisdiction of the civil bill court, which sanitary authorities are empowered to recover in a summary manner, may, at the option of the [275.] N

Demands below £10, may be recovered civil bill court
P. H. (E.),
s. 261.

A.D. 1877. sanitary authority, be taken in the civil bill court as if such demands were debts within the cognizance of such court.

Proceedings
not to be
quashed for
want of
form.
P. H. (E.),
s. 262.

259. No rate, order, conviction, or thing made or done or relating to the execution of this Act shall be vacated, quashed, or set aside for want of form, or (unless otherwise expressly provided by this Act) be removed or removable by certiorari, or any other writ or process whatsoever, into any of the superior courts: Provided that nothing in this section shall prevent the removal of any case stated for the opinion of a superior court, or of any rate, order, conviction, or thing to which such special case relates. 10

False evi-
dence punish-
able as per-
jury.
P. H. (E.),
s. 263.

260. Any person who on any examination on oath, under any of the provisions of this Act, wilfully and corruptly gives false evidence shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury.

Notice of
action against
sanitary au-
thority, &c.
P. H. (E.),
s. 264.

261. A writ or process shall not be sued out against or served 15 on any sanitary authority, or any member thereof, or any officer of a sanitary authority, or person acting in his aid, for anything done or intended to be done or omitted to be done under the provisions of this Act, until the expiration of one month after notice in writing has been served on such sanitary authority, member, officer, or 20 person, clearly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause; and on the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served; and unless such notice is proved the 25 jury shall find for the defendant.

Every such action shall be commenced within six months next after the accruing of the cause of action, and not afterwards, and shall be tried in the county or place where the cause of action occurred, and not elsewhere. 30

Any person to whom any such notice of action is given as aforesaid may tender amends to the plaintiff, his attorney or agent, at any time within one month after service of such notice, and, in case the same be not accepted, may plead such tender in bar; and in case amends have not been tendered as aforesaid, or in case the 35 amends tendered are insufficient, the defendant may, by leave of the court, at any time before trial, pay into court under plea such sum of money as he may think proper; and if upon issue joined, or upon any plea pleaded for the whole action, the jury find generally for the defendant, or if the plaintiff be non-suited or judgment be 40 given for the defendant, then the defendant shall be entitled to full costs of suit, and have judgment accordingly.

262. No matter or thing done, and no contract entered into by any sanitary authority or joint board, and no matter or thing done by any member of any such authority or by any officer of such authority or other person whomsoever acting under the direction of such authority, shall, if the matter or thing were done or the contract were entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense incurred by any such authority, member, officer, or other person acting as last aforesaid shall be borne and repaid out of the fund or rate applicable by such authority to the general purposes of this Act.

Provided that nothing in this section shall exempt any member of any such authority from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such authority, and which such member authorised or joined in authorising.

NOTICES.

263. Every order of the Local Government Board under this Act shall be published in such manner as that Board may direct; and every general order of the Local Government Board made in pursuance of the Poor Law Acts shall be published in the Dublin Gazette, and when so published shall take effect in like manner and shall be of as much force and validity as any general order made and sent in the manner prescribed by the last-mentioned Acts, and no further proceeding shall be necessary in such behalf; and as regards any single order of the said Board made in pursuance of the said last-mentioned Acts it shall not be necessary henceforth to send a copy thereof to the clerk to the justices of the petty sessions. The production of a printed copy of the Dublin Gazette, purporting to be printed and published by the Queen's authority, and containing the publication of any order of the Local Government Board, shall be conclusive evidence of the making of such order and all such facts and circumstances as were or shall be necessary to authorise the making of such order.

264. Notices, orders, and other such documents under this Act may be in writing or print, or partly in writing and partly in print; and if the same require authentication by the sanitary authority the signature thereof by the clerk to the sanitary authority, or their inspector of nuisances, shall be sufficient authentication.

265. Notices, orders, and any other documents required or authorised to be served under this Act may be served by delivering

A.D. 1877.
Protection
of sanitary
authority
and their
officers from
personal
liability.
P. H. (E.),
s. 265.

Orders of
the Local
Government
Board, how
to be pub-
lished.

Notices, &c.
may be
printed or
written.

P. H. (I),
s. 62.

P. H. (E.),
s. 266.

Service of
notices.

A.D. 1877. the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises, by delivering the same or a true copy thereof to some person on the premises, or if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of 5. the premises ; they may also be served by post by prepaid letter, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice, order, or other document was 10 properly addressed and put into the post.

Any notice by this Act required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given, without further name or description. 15

APPEAL.

Appeal in certain cases to Local Government Board. P. H. (E.), s. 266.

266. Where any person deems himself aggrieved by the decision of the sanitary authority in any case in which the sanitary authority are empowered to recover in a summary manner any expenses incurred by them, or to declare such expenses to be private 20 improvement expenses, he may, within twenty-one days after notice of such decision, address a memorial to the Local Government Board stating the grounds of his complaint, and shall deliver a copy thereof to the sanitary authority ; the Local Government Board may make such order in the matter as to the said Board may seem equitable, and the order so made shall be binding and conclusive on all parties ; provided that if such order should repeat, in whole or in part, the decision appealed against, the Local Government Board, before making such order, shall afford to the sanitary authority opportunity of giving such evidence as it may desire in 30 support of its decision.

Any proceedings that may have been commenced for the recovery of such expenses by the sanitary authority shall, on the delivery to them of such copy as aforesaid, be stayed ; and the Local Government Board may, if it thinks fit, by its order direct the sanitary 35 authority to pay to the person so proceeded against such sum as the said Board may consider to be a just compensation for the loss, damage, or grievance thereby sustained by him.

Appeal to quarter sessions. P. H. (E.), s. 269.

267. Where any person deems himself aggrieved by any rate made under the provisions of this Act, or by any order, 40 conviction, judgment, or determination of or by any matter or

thing done by any court of summary jurisdiction, such person may appeal therefrom, subject to the conditions and regulations following :

A.D. 1877.
P. H. (E.)
s. 305.

- 5 (1.) The appeal shall be made to the next court of quarter sessions for the county, division, or place in which the cause of appeal has arisen, holden not less than twenty-one days after the demand of the rate or the decision of the court from which the appeal is made ;
- 10 (2.) The appellant shall, within fourteen days after the cause of appeal has arisen, give notice to the other party and to the authority or court of summary jurisdiction by whose act he deems himself aggrieved, of his intention to appeal and of the ground thereof :
- 15 (3.) The appellant shall, immediately after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security by deposit of money or otherwise as the justice may allow :
- 20 (4.) Where the appellant is in custody the justice may, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody :
- 25 (5.) On appeals under this Act against any rate—

The chairman of the court before whom such appeal shall be brought shall have power to hear and finally determine the matter of any appeal brought before him under this Act, and shall make such order therein as to him shall seem meet, which order shall be final and conclusive upon all parties ; and he shall have power to order the name of any person interested or concerned in the event of such appeal, and having had notice thereof, as herein is provided, to be inserted in such rate, and to be rated at such sum or sums of money, or to order the name of any such person to be struck out of such rate, or the sum or sums at which any such person is rated therein to be altered, as the said chairman shall think right : Provided always, that the chairman to whom such appeal shall be made shall not examine or inquire into any other cause or ground of appeal than such as is stated and specified in the notice of appeal, nor alter any such rate with respect to other persons or matter than are mentioned and

A.D. 1877.

specified in the notice of appeal ; but if upon an appeal from the whole of any rate it shall be found necessary to quash or set aside the same, the chairman shall quash the same, and shall in that case order the sanitary authority to make a new rate, and they are hereby required to make 5 the same accordingly.

If upon the hearing of any appeal from any rate under this Act, the chairman shall order the name of any person to be struck out of such rate, or the sum or sums rated on any person to be decreased or lowered, and if it shall 10 be made to appear to the chairman that such person hath previously to the hearing of such appeal paid any sum or sums of money in consequence of such rate which he ought not to have been charged with, then and in every such case the chairman shall order all and every such 15 sum and sums of money to be repaid by the said sanitary authority, together with all reasonable costs, charges, and expenses occasioned by such person having been required to pay the same, to be recovered as penalties and forfeitures under this Act, in virtue of the provisions of 20 which such rate shall have been made.

The person so appealing shall give or cause to be given at least *fourteen days* notice in writing of his or their intention of appealing as aforesaid, and of the matter or cause thereof, to the clerk of the sanitary authority, and 25 the chairman upon the hearing of such appeal shall not examine or inquire into any other cause or ground of appeal than such as is stated and specified in the notice of appeal ; and if any person shall appeal against a rate because any other person is rated therein at any greater or 30 less sum than the net annual value of the hereditaments in respect of which such other person shall be rated, or for any cause that shall require any alteration to be made in such rates with respect to any other person, then and in every such case the person so appealing shall give such 35 notice of appeal as aforesaid not only to the said clerk, but also to every other person so interested or concerned in the event of such appeal, and every such other person shall if he so desire be heard upon such appeal.

Notwithstanding any such appeal or notice thereof, every 40 rate shall be payable and shall be levied as if no appeal had been made until such rate shall be actually quashed or amended.

A.D. 1877.

The chairman, upon hearing and finally determining the matter of any appeal, shall and may, according to his discretion, award such cost to the party appealing or appealed against as he shall think proper; and his determination in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever:

- (6.) In the case of other appeals the court of appeal may, if it thinks fit, adjourn the appeal, and on the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just:
- (7.) The decision of the court of appeal shall be binding on all parties: Provided that the court of appeal may, if such court thinks fit, state the facts specially for the determination of a superior court.

PART VII.

MISCELLANEOUS PROVISIONS.

268. Any payment to any member of a sanitary authority or burial board for acting as counsel, solicitor, attorney, or agent for such authority or board shall be illegal; and if any member of any such authority or board shall so act, or shall accept or hold any office or place of profit under such authority or board of which he is a member, or shall in any manner directly or indirectly be concerned in any bargain or contract entered into by or on behalf of such authority or board, or participate in the profits thereof, then and in every such case such person shall cease to be a member of such authority or board, and his office as such shall thereupon become vacant.

269. Whenever it becomes necessary for a sanitary authority or any of their officers to enter, examine, or lay open, any lands or premises for the purpose of making plans, surveying, measuring, taking levels, making, keeping in repair, or examining works, ascertaining the course of sewers or drains, or ascertaining or fixing boundaries, and the owner or occupier of such lands or premises refuses to permit the same to be entered upon, examined, or laid

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Payments
to members
of sanitary
authority
as counsel
illegal.
P. H. (L.),
s. 38.

Entry on
lands for
purposes of
Act.
S. U., 1865,
s. 5.
P. H. (E.),
s. 305.

A.D. 1877. open, for the purposes aforesaid or any of them, the sanitary authority may, after written notice to such owner or occupier, apply to a court of summary jurisdiction for an order authorising the sanitary authority to enter, examine, and lay open, the said lands and premises for the purposes aforesaid or any of them. 5

If no sufficient cause is shown against the application the court may make an order accordingly, and on such order being made the sanitary authority or any of their officers may, at all reasonable times between the hours of nine in the forenoon and six in the afternoon, enter, examine, or lay open, the lands or premises mentioned in such order, for such of the said purposes as are therein specified, without being subject to any action or molestation for so doing: Provided that, except in case of emergency, no entry shall be made or works commenced under this section unless at least twenty-four hours notice of the intended entry, and of the object thereof, be given to the occupier of the premises intended to be entered.

270. Any person who wilfully obstructs any member of the sanitary authority, or any person duly employed in the execution of this Act, or who destroys, pulls down, injures, or defaces any board 20 on which any byelaw, notice, or other matter is inscribed, shall, if the same was put up by authority of the Local Government Board or of the sanitary authority, be liable for every such offence to a penalty not exceeding five pounds.

Where the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provisions of this Act, any justice to whom application is made in this behalf shall, by order in writing, require such occupier to permit the execution of any works required to be executed, provided that the same appear to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act; and if within twenty-four hours after the making of the order such occupier fails to comply therewith, he shall be liable to a penalty not exceeding five pounds for every day during the continuance of such non-compliance.

If the occupier of any premises, when requested by or on behalf 35 of the sanitary authority to state the name of the owner of the premises occupied by him, refuses or wilfully omits to disclose or wilfully mis-states the same, he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding five pounds. 40

**Penalty on
damaging
works, &c.**

271. Any person who wilfully damages any works or property belonging to any sanitary authority shall, in cases where no other

penalty is provided by this Act, be liable to a penalty not exceeding five pounds.

of sanitary authority.
S. A., 1866,
s. 45,
P. H. (E.),
s. 307.

272. Where any person sustains any damage by reason of the exercise of any of the powers of this Act, in relation to any matter as to which he is not himself in default, full compensation shall be made to such person by the sanitary authority exercising such powers; and any dispute as to the fact of damage or amount of compensation shall be settled by arbitration in manner provided by this Act, or if the compensation claimed does not exceed the sum of twenty pounds, the same may at the option of either party be ascertained by and recovered before a court of summary jurisdiction.

Compensation in case of damage by sanitary authority.
S. U., 1855,
s. 8,
P. H. (E.),
s. 308.

273. If any officer of any body by this Act constituted the sanitary authority of any district is, by or in pursuance of this Act or of any provisional order made under the authority of this Act, removed from his office or deprived of the whole or part of the emoluments of his office, and is not employed in an office of equal value, and with equal privileges, by such sanitary authority, the Local Government Board may by order award to such officer such compensation as the said Board may think just; and such compensation may be by way of annuity or otherwise, and shall be paid by the authority of the sanitary district in which such officer held his office out of the rates applicable to sanitary purposes within that district.

Compensation to officers in certain cases.
P. H. (I.),
s. 32.

274. Where in any Local Act the consent, sanction, or confirmation of the Lord Lieutenant, the chief secretary of the Lord Lieutenant, or the Privy Council is required with respect to the borrowing of any money, to the giving effect to any bylaws, or to the appointment of any officer for sanitary purposes, the consent or sanction, or confirmation of the Local Government Board shall, after the passing of this Act, be required instead of that of the authorities above named.

As to consent of Local Government Board required in certain cases.
P. H. (I.),
s. 33.

The consent of the Local Government Board, and not that of the Treasury, shall be required to the borrowing of money for the purposes of the Baths and Washhouses Acts.

The powers vested in or exercisable by one of Her Majesty's Principal Secretaries of State under the Markets and Fairs Clauses Act, 1847, so far as the same relate to Ireland, are hereby transferred to the Local Government Board, and may in Ireland be exercised by the Local Government Board.

A.D. 1877.

If any question arises as to what are sanitary purposes within the meaning of this section, the determination of the Local Government Board on such question shall be conclusive.

Settlement
of differences
arising out
of transfer
of powers or
property to
sanitary
authority.
P. H. (I.),
s. 35.

275. Upon the application of any authority from whom or to whom any powers, rights, duties, capacities, liabilities, obligations, and property, or any of them, are transferred or alleged or claimed to be transferred in pursuance of the Sanitary Acts or this Act, upon the passing of this Act, or at any time thereafter by the operation of this Act, or of any provisional order made under the authority of this Act, or of any person affected by such transfer, the Local Government Board may by order settle any doubt or difference and adjust any accounts arising out of or incidental to such powers, rights, duties, capacities, liabilities, obligations, or property, or to the transfer thereof, and direct the parties by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys; and any provisions contained in any order so made shall be deemed to have been made in pursuance of and to be within the powers conferred by this section, subject to this proviso, that where any such order directs any rate to be made or other act or thing to be done which the party required to make or do would not, apart from the provisions of this Act, have been enabled to make or do by law, such order shall be provisional only until it has been confirmed by Parliament.

As to con-
struction of
incorporated
Acts.
L. G., s. 4,
P. H. (E.),
s. 346.

276. In the construction of the provisions of any Act incorporated with this Act the term "the special Act" includes this Act, and, in the case of the Lands Clauses Acts, any provisional order confirmed by Parliament and authorising the purchase of lands otherwise than by agreement under this Act; the term "the limits of the special Act" means the limits of the district; and the urban or rural authority shall be deemed to be "the promoters of the undertaking," "the commissioners," or "the undertakers," as the case may be.

All penalties incurred under the provisions of any Act incorporated with this Act shall be recovered and applied in the same way as penalties incurred under this Act. 35

Construction
of schedules.

277. The schedules to this Act shall be read and have effect as part of this Act.

The forms contained in schedule C. to this Act, or forms to the like effect, varied as circumstances may require, may be used and shall be sufficient for all purposes. 40

PART VIII.
SAVING CLAUSES AND REPEAL OF ACTS.

SAVING CLAUSES.

278. All urban sanitary authorities and rural sanitary authorities existing at the time of the passing of this Act shall be deemed to be urban authorities and rural authorities under this Act; and all joint boards and committees of rural sanitary authorities existing at the time of the passing of this Act, shall be deemed to be joint boards and committees of rural sanitary authorities under this Act; and the members of all the above-mentioned bodies shall hold office for such time as they would respectively have held office if this Act had not been passed; and the officers and servants of all the above-mentioned bodies shall continue to hold their several offices and employments on the same terms and subject to the same conditions, as to duties remuneration and otherwise, as they would have held them if this Act had not been passed; and all byelaws duly made under any of the Sanitary Acts by this Act repealed and not inconsistent with any of the provisions of this Act shall be deemed to be byelaws under this Act; and all the provisions of this Act shall apply to all such bodies existing at the time of the passing of this Act, and to their several officers and servants, in substitution for the provisions of the Sanitary Acts by this Act repealed, but so as not to affect any right acquired or liability incurred under the Sanitary Acts, or any of them, before the passing of this Act, and existing at the time of the passing of this Act.

Provision
as to the
sanitary
authorities
existing at
the passing
of this Act
and their
officers, &c.
P. H. (E.),
s. 226.

279. Nothing in this Act shall be construed to authorise any sanitary authority—

- (1.) To use, injure or interfere with any sluices, floodgates, sewers, groynes or sea defences or other works, already or hereafter made under the authority of any commissioners of sewers appointed by the Crown, or any sewers or other works already or hereafter made and used by any body of persons or person for the purpose of draining preserving or improving land under any local or private Act of Parliament, or for the purpose of irrigating land; or
- (2.) To disturb or interfere with any lands or other property vested in the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of the Lord High Admiral for the time being or in Her Majesty's Principal Secretary of State for the War Department for the time being; or

Saving for
works and
property of
certain
authorities,
and for up-
keep and
water
rights, &c.
P. H. (E.),
s. 227.

A.D. 1877.

- (3.) To interfere with any river, canal, dock, harbour, lock, reservoir or basin, so as to injuriously affect the navigation thereou, or the use thereof, or to interfere with any towing-path so as to interrupt the traffic thereof, in cases where any body of persons or person are or is by virtue of 5 any Act of Parliament entitled to navigate on or use such river, canal, dock, harbour, lock, reservoir or basin, or to receive any tolls or dues in respect of the navigation thereou or use thereof; or
- (4.) To interfere with any watercourse in such manner as to 10 injuriously affect the supply of water to any river, canal, dock, harbour, reservoir or basin, in cases where any such body of persons or person as last aforesaid would, if this Act had not passed, have been entitled by law to prevent .. or be relieved against such interference; or 15
- (5.) To interfere with any bridges crossing any river, canal, dock, harbour or basin, in cases where any body of persons or person are or is authorised by virtue of any Act of Parliament to navigate or use such river, canal, dock, harbour or basin, or to demand any tolls or dues in respect of the 20 navigation thereou or use thereof; or
- (6.) To execute any works in through or under any wharves, quays, docks, harbours or basins, to the exclusive use of which any body of persons or person are or is entitled by virtue of any Act of Parliament, or for the use of which 25 any body of persons or person are or is entitled by virtue of any Act of Parliament to demand any tolls or dues,—

Without the consent in every case of such Lord High Admiral or Commissioners for executing the office of Lord High Admiral, Secretary of State, commissioners, body of persons or person as are 30 herein-before in that behalf respectively mentioned, such consent to be expressed in writing in the case of a corporation under their common seal, and in the case of any body of persons not being a corporation under the hand of their clerk or other duly authorised officer or agent. And nothing in this Act shall prejudice or affect 35 the rights, privileges, powers, or authoritics given or reserved to any person under such local or private Acts for draining preserving or improving land as are in this section mentioned.

Reference to arbitration in case of works not within preceding section.

280. Where any matters or things proposed to be done by any sanitary authority, and not being within the prohibition aforesaid, 40 interfere with the improvement of any river, canal, dock, harbour, lock, reservoir, basin, or towing-path which any body of persons or

person are or is entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the navigation whereon or use whereof to demand any tolls or dues, or interfere with any works belonging to such river, canal, dock, harbour, or basin, or with any land necessary for the enjoyment or improvement thereto, the sanitary authority shall give to such body of persons or person a notice specifying the particulars of the matters and things so intended to be done. If the parties on whom such notice is served do not consent to the requisitions thereto, the matter in difference shall be referred to arbitration; and the following questions shall be decided by such arbitration; (that is to say,) A.D. 1877.
P. H. (E.),
s. 328.

(1.) Whether the matters or things proposed to be done by the sanitary authority will cause any injury to such river, canal, dock, harbour, basin, towing-path, works, or land, or to the enjoyment or improvement of such river, canal, dock, harbour, or basin as aforesaid:

(2.) Whether any injury that may be caused by such matters or things, or any of them, is or is not of a nature to admit of being fully compensated by money.

281. The result of any such arbitration shall be final, and the sanitary authority shall do as follows; (that is to say,) Effect of arbitration.
P. H. (E.),
s. 328.

(1.) If the arbitrators are of opinion that no injury will be caused, the sanitary authority may forthwith proceed to do the proposed matters and things:

282. (2.) If the arbitrators are of opinion that injury will be caused, but that such injury is of a nature to admit of being fully compensated by money, they shall proceed to assess such compensation; and on payment of the amount so assessed, but not before, the sanitary authority may proceed to do the proposed matters and things:

(3.) If the arbitrators are of opinion that injury will be caused, and that it is not of a nature to admit of being fully compensated by money, the sanitary authority shall not proceed to do any matter or thing in respect of which such opinion may be given.

282. No transfer of powers and privileges under this Act shall deprive any body of persons or person authorised by virtue of any Act of Parliament to navigate on any river or canal, or to demand for their or his own benefit in respect of such navigation any tolls or dues, of such powers and privileges as are vested in them by any Act of Parliament in relation to such river or canal.

Provisions as
to transfer of
powers, &c.
P. H. (E.),
s. 330.

A.D. 1877.

Provision as to alteration of sewers.P. H. (E.),
s. 331.

283. Any body of persons or person authorised by virtue of any Act of Parliament to navigate on or use any river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation on such river or canal, or the use of such dock, harbour, or basin, may, at their own expense, and on substituting other 5 sewers, drains, culverts, and pipes equally effectual, and certified as such to the sanitary authority, take up, divert, or alter the level of any sewers, drains, culverts, or pipes constructed by any sanitary authority, and passing under or interfering with such rivers, canals, docks, harbours, or basins, or the towing-paths thereof, and 10 may do all such things as may be necessary for carrying into effect such taking up, diversion, or alteration.

Saving for water rights generally.P. H. (E.),
s. 332.

284. Nothing in this Act shall be construed to authorise any sanitary authority to injuriously affect any reservoir, canal, river, or stream, or the feeders thereto, or the supply, quality, or fall of 15 water contained in any reservoir, canal, river, stream, or in the feeders thereof, in cases where any body of persons or person would, if this Act had not passed, have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir, canal, river, stream, feeders, or such supply, quality, or fall of water unless 20 the sanitary authority first obtain the consent in writing of the body of persons or person so entitled as aforesaid.

Arbitration as to alteration of sewers injuriously affecting supply of water, &c.P. H. (E.),
s. 333.

285. Any difference of opinion that may arise between a sanitary authority and any such body of persons or person as aforesaid, whether any sewers, drains, culverts, or pipes substituted under 25 the powers of this Act for sewers, drains, culverts, or pipes constructed or laid down by any sanitary authority are equally effectual with those for which they are substituted, or whether the supply, quality, or fall of water in any such reservoir, canal, river, or stream as last aforesaid is injuriously affected by the exercise of powers 30 under this Act, may, at the option of the party complaining, be determined by arbitration in manner by this part of this Act provided. The arbitrators shall decide the same questions as to the alleged injury, and the sanitary authority shall proceed in the same way as is by this Act provided with regard to arbitrations in cases 35 of alleged injury to rivers, canals, docks, harbours, and basins.

Saving for mines, &c.P. H. (E.),
s. 334.

286. Nothing in this Act shall be construed to extend to any mines so as to interfere with or to obstruct the efficient working of the same; nor to the smelting of ores and minerals, nor to the calcining, puddling, and rolling of iron and other metals, nor to the 40

conversion of pig iron into wrought iron, so as to obstruct or interfere with any of such processes respectively.

287. Any corporate body required or authorised by or in pursuance of any Act of Parliament to divert its sewers or drains from any river, or to construct new sewers, and any public department of the Government, shall have the like powers and be subject to the like obligations under this Act as they had or were subject to under the Sewage Utilisation Act, 1867; and for that purpose the provisions of this Act applicable to purposes the same as or similar to these of the Sewage Utilisation Act, 1865, and the Sewage Utilisation Act, 1867, shall apply in substitution for the last-mentioned provisions.

288. Nothing in this Act shall affect the payment or recovery of any yearly sum payable at the time of the passing of this Act to any sanitary authority in respect of any premises without their district which have a drain communicating with a sewer within their district: Provided that any such sum shall cease to be payable, if and when the connexion between the drain and the sewer is discontinued, from the time of such discontinuance; but if after the discontinuance the connexion is re-established, the yearly sum shall again become payable, and so from time to time.

289. All rates, orders, acts, or things made, assessed, performed, or done, before the passing of this Act, by any authority purporting to act under the powers conferred on them by a local Act with respect to any sanitary purposes shall be valid notwithstanding the passing of the Public Health (Ireland) Act, 1874, or of this Act.

290. Where within the district of a sanitary authority any local Act is in force, providing for purposes the same as or similar to the purposes of this Act, proceedings may be instituted at the direction of the authority or person instituting the same, either under the local Act or this Act, or under both, subject to these qualifications:

- (1.) That no person shall be punished for the same offence both under a local Act and this Act; and
- (2.) That the sanitary authority shall not, by reason of any local Act in force within their district, be exempted from the performance of any duty or obligation to which they may be subject under this Act.

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Powers of
Act to be
cumulative.
P. H. (E.),
s. 341.

291. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed; and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed.

Provided that no person who has been adjudged to pay any penalty in pursuance of this Act shall for the same offence be liable to a penalty under any other Act.

REPEAL OF ACTS.

10

Repeal of
Acts in
Schedule A.

292. The Acts specified in the first and second columns of Schedule A. to this Act are hereby repealed to the extent in the third column of that schedule mentioned:

Provided also, that this repeal shall not affect—

- (a.) Anything duly done or suffered under any enactment hereby repealed; or
- (b.) Any right or liability acquired, accrued, or incurred under any enactment hereby repealed, or any regulation or order duly made in pursuance of any such enactment; or
- (c.) Any security given under any enactment hereby repealed; or
- (d.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
- (e.) Any investigation, legal proceeding, or remedy in respect of any such right, liability, security, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not been passed.

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S C H E D U L E S.

SCHEDULE A.

Enactments which have been already repealed are in a few instances included in this repeal, in order to avoid the necessity of reference to previous statutes.

S.	Session and Chapter.	Title or Short Title.	Extent of Repeal.
5	14 & 15 Vict. c. 28. -	The Common Lodging Houses Act, 1851.	The whole Act, so far as same relates to Ireland.
	16 & 17 Vict. c. 41. -	The Common Lodging Houses Act, 1853.	The whole Act, so far as same relates to Ireland.
10	23 & 24 Vict. c. 26. -	The Common Lodging Houses Act (Ireland), 1860.	The whole Act.
	17 & 18 Vict. c. 108.	The Towns Improvement (Ireland) Act, 1864.	Sections 33, 34, 35, 42, 45, 46, 48, 49, 52, 53, 54.
15	18 & 19 Vict. c. 116. -	The Diseases Prevention Act, 1855.	The whole Act, so far as relates to Ireland.
	18 & 19 Vict. c. 121. -	The Nuisances Removal Act for England, 1855.	The whole Act, so far as relates to Ireland.
	23 & 24 Vict. c. 77. -	An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases.	The whole Act, so far as relates to Ireland.
20	19 & 20 Vict. c. 98. -	The Burial Grounds (Ireland) Act, 1856.	The whole Act.
	23 & 24 Vict. c. 76. -	An Act to amend the Burial Grounds (Ireland) Act, 1856.	The whole Act.
25	26 & 27 Vict. c. 117. -	The Nuisances Removal Act for England (Amendment) Act, 1863.	The whole Act, so far as relates to Ireland.
	28 & 29 Vict. c. 75. -	The Sewage Utilization Act, 1865.	The whole Act, so far as relates to Ireland.
30	29 & 30 Vict. c. 41. -	The Nuisances Removal (No. 1.) Act, 1865.	The whole Act, so far as relates to Ireland.
	29 & 30 Vict. c. 90. -	The Sanitary Act, 1866	The whole Act, so far as relates to Ireland.
35	30 & 31 Vict. c. 118. -	The Sewage Utilisation Act, 1867.	The whole Act, so far as relates to Ireland.
	31 & 32 Vict. c. 115. -	The Sanitary Act, 1868	The whole Act, so far as relates to Ireland.
	32 & 33 Vict. c. 100. -	The Sanitary Loans Act, 1869	The whole Act, so far as relates to Ireland.
40	34 & 35 Vict. c. 109. -	The Local Government (Ireland) Act, 1871.	The whole Act except sections 11 to 18, both inclusive, 20, 21, 24 to 27, both inclusive, 29 and 30, and the schedule.
			Sections 8 and 9.
45	35 & 36 Vict. c. 69. -	The Local Government Board (Ireland) Act, 1872.	The whole Act.
	36 & 37 Vict. c. 78. -	The Sanitary Act, 1866, (Ireland) Amendment Act, 1873.	The whole Act.
50	37 & 38 Vict. c. 96. -	The Public Health (Ireland) Act, 1874.	The whole Act.

SCHEDULE B.

A.D. 1877.

FORM

Form of Mortgage of Rents.

[To be sealed with the common seal of the local authority.]

Form .

Form of Transfer of Mortgage.

20

I A.B. of , in consideration of the sum of paid to me by
C.D. of , do hereby transfer to the said C.D., his executors, administrators, and assigns, a certain mortgage, bearing date the day of
and made by the sanitary authority under the Public Health (Ireland) Act,
1876, for the district of for securing the sum of and 25
interest thereon at per centum per annum [or if such transfer be by
endorsement on the mortgage, insert, instead of the words immediately following
the word "assigns," the within security], and all my right, estate, and interest
in and to the money hereby secured, and in and to the rates thereby assigned.

In witness whereof I have hereunto set my hand and seal this day of 30
one thousand eight hundred and

A.B. (L.S.)

Form.

Form of Recharge.

By virtue of the Public Health (Ireland) Act, 1876, we the
being the sanitary authority under that Act for the district of do
hereby declare and absolutely order that the inheritance of the [dwelling-house,
shop, lands, and premises, as the case may be], situated in street

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SCHEDULE C.

Forms.

Form A.

Form of Notice requiring Abatement of Nuisance.

To [person causing the nuisance, or master or occupier of the premises whereon the nuisance exists, as the case may be].

Take notice that under the provisions of the Public Health (Ireland) Act, 30 1877, the [describe the sanitary authority], being satisfied of the existence of a nuisance at [describe premises or place where the nuisance exists], arising from [describe the cause of nuisance, for instance, want of a privy or drain; or for further instance, a ditch or drain so foul as to be a nuisance or injurious to health; or for further instance, swine kept so as to be a nuisance or injurious 35 to health], do hereby require you within _____ from the service of this notice to abate the same, and for that purpose to [state any things required to be done or works to be executed].

If you make default in complying with the requisitions of this notice, or if the said nuisance, though abated, is likely to recur, a summons will be issued requiring your attendance to answer a complaint which will be made to a court of summary jurisdiction for enforcing the abatement of the nuisance, and pro-

A.D. 1877. inhibiting a recurrence thereof, and for recovering the costs and penalties that may be incurred thereby.

Dated this

day of

18 .

*Signature of officer of
sanitary authority }*

5

FORM B.

Form of Summons.

Summons.

To the owner or occupier of [describe premises] situated at [insert such a description as may be sufficient to identify the premises], or to A.B. of [County of [or borough of [or district of [or as the case may be]]] You are required to appear before [describe the court of summary jurisdiction], at the petty sessions [or court] holden at [or as the case may be] on the _____ day of _____ next, at the hour of _____ in the _____ noon, to answer the complaint this day made to me by _____ that in or on the premises above mentioned [or in or on certain premises situated at No. _____ in the street in the parish of _____ or such other description or reference as may be sufficient to identify the premises], in the district, under the Public Health Act (Ireland), 1877, of [describe the sanitary authority], the following nuisance exists [describing it, as the case may be], and that the said nuisance is caused by the act or default of the occupier [or owner] of the said premises, or by you A.B. [or in case the nuisance be discontinued, but likely to be repeated, say, there existed recently, to wit, on or about the _____ day of _____ on the premises, the following nuisance [describe the nuisance], and that the said nuisance was caused [etc.], and although the same has since the said last-mentioned day been abated or discontinued, there is reasonable ground to consider that the same or the like nuisance is likely to recur on the said premises].

this _____ day of _____ 18 .

(Signed) _____

Justice. 30

FORM C.

Form of Order for Abatement or Prohibition of Nuisance.

To the owner [or occupier] of [describe the premises] situated [give such description as may be sufficient to identify the premises], or to A.B. of

Count of [or borough, &c. of [or as the case may be]] WHEREAS on the _____ day of _____ complainant was made before Esquire, one of Her Majesty's justices of the peace acting in and for the county [or other jurisdiction] stated in the margin, [or as the case may be] that in or on certain premises situated at _____ in the district under the Public Health Act (Ireland), 1877, of [describe the sanitary authority] the

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following nuisance then existed [describing it]; and that the said nuisance was caused by the act or default of the owner [or occupier] of the said premises [or was caused by A.B.] [If the nuisance have been removed say, the following nuisance existed on or about [the day the nuisance was ascertained to exist]], and 5 that the said nuisance was caused, &c., and although the same is now removed, the same of the like nuisance is likely to recur on the same premises.]

And whereas the owner [or occupier] within the meaning of the said Public Health Act (Ireland), 1877, [or the said A.B.] hath this day appeared before us [(or me) describing the court], to answer the matter 10 of the said complaint [or in case the party charged do not appear, say, and whereas it hath been this day proved to our (or my) satisfaction that a true copy of a summons requiring the owner [or occupier] of the said premises [or the said A.B.] to appear this day before us [or me] hath been duly served according to this Act.

15 Now on proof here had before us [or me] that the nuisance so complained of doth exist on the said premises, and that the same is caused by the act or default of the owner [or occupier] of the said premises [or by the said A.B.], we [or I], in pursuance of the said Act, do order the said owner [or occupier or A.B.] within [specify the time] from the service of this order or a true copy 20 thereof according to the said Act [here specify any things required to be done or works to be executed, as, for instance, to provide for the cleanly and wholesome keeping of, or, to remove the animal kept so as to be a nuisance or injurious to health; or, for further instance, to cleanse, whitewash, purify, and disinfect the said dwelling-house; or, for further instance, to construct a privy 25 or drain, &c.; or, for further instance, to cleanse or to cover or to fill up the said cesspool, &c.], so that the same shall no longer be a nuisance or injurious to health as aforesaid.

[And if it appear to the court that the nuisance is likely to recur on the premises say [And we] [or I] being satisfied that, notwithstanding the said cause or causes of nuisances may be removed under this order, the same is or are likely to recur, do therefore prohibit the said owner [or occupier, or A.B.], from [here insert the matter of the prohibition, as, for instance,] from using the said house or building for human habitation until the same, in our [or my] judgment, is rendered fit for that purpose.]

35 In case the nuisance were removed before complaint, say, Now, on proof here had before us [or me] that at or recently before the time of making the said complaint, to wit, on as aforesaid, the cause of nuisance complained of did exist on the said premises, but that the same hath since been removed, yet, notwithstanding such removal, we [or I], being satisfied 40 that it is likely that the same or the like nuisance will recur on the said premises, do hereby prohibit [order of prohibition]; and if this order of prohibition be infringed, then we [or I] [order on sanitary authority to do works].

Given under the hands of us, [or the hand of me, describing the court].

This

day of

18

J.S.

J.P.

45

A.D. 1877.

FORM D.

Form of Order for Abatement of Nuisance by Sanitary Authority.

To the town council, &c., as the case may be,

County, &c. } WHEREAS [recite complaint of nuisance as in last form].
to wit. }

And whereas it hath been now proved to our [or my] satisfaction that such 5
 nuisance exists, but that no owner or occupier of the premises, or person
 causing the nuisance, is known or can be found [as the case may be]; Now we
 [or I], in pursuance of the said Act, do order the said [sanitary authority,
 naming it,] forthwith to [here specify the works to be done].

Given, &c. (as in last form).

10

FORM E.

Form of Order to permit Execution of Works by Owner.

County of } WHEREAS complaint hath been made to me, E.F. Esquire,
 [or borough, &c.] } one of Her Majesty's justices of the peace in and for the
 to wit. } county [or borough, &c. of] by A.B., owner, within 15
 the meaning of the Public Health Act (Ireland), 1877, of certain premises [de-
 scribe situation of premises so as to identify them], that C.D., the occupier of the
 said premises, doth prevent the said A.B. from obeying and carrying into effect
 the provisions of the said Act in this, to wit, that he the said C.D. doth
 prevent the said A.B. from [here describe the works generally, according to 20
 circumstances, for instance, thus: constructing and laying down, in connexion
 with the said house, a covered drain, so as to communicate with a sewer, which
 the sanitary authority under the said Act of the district of] are entitled
 to use, such sewer being within one hundred feet of the said premises]: And
 whereas the said C.D., having been duly summoned to answer the said com- 25
 plaint, and not having shown sufficient cause against the same, and it appearing
 to me that the said works are necessary for the purpose of enabling the said
 A.B. to obey and carry into effect the provisions of the said Act, I do hereby
 order that the said C.D. do permit the said A.B. to execute the same in the
 manner required by the said Act.

Given under my hand, this

day of

18

J.S.

30

FORM F.

Order of Justice for Admission of Officer of Sanitary Authority.

WHEREAS [describe the sanitary authority] have by their officer [naming him] 35
 made application to me, A.B., one of Her Majesty's justices of the peace having
 jurisdiction in and for [describe the place], and the said officer has made oath
 to me that demand has been made pursuant to the provisions of the Public
 Health Act (Ireland), 1877, for admission to [describe situation of premises so

as to identify them], for the purpose of [describe the purpose, as the case may be]. A.D. 1877.
and that such demand has been refused.

Now, therefore, I the said *A.B.* do hereby require you [*name the person having custody of the premises*], to admit the said [*name the sanitary authority*],
5 [*or the officer of the said sanitary authority*], to the said premises, for the purpose aforesaid,

Given, *etc.* (as in last form).